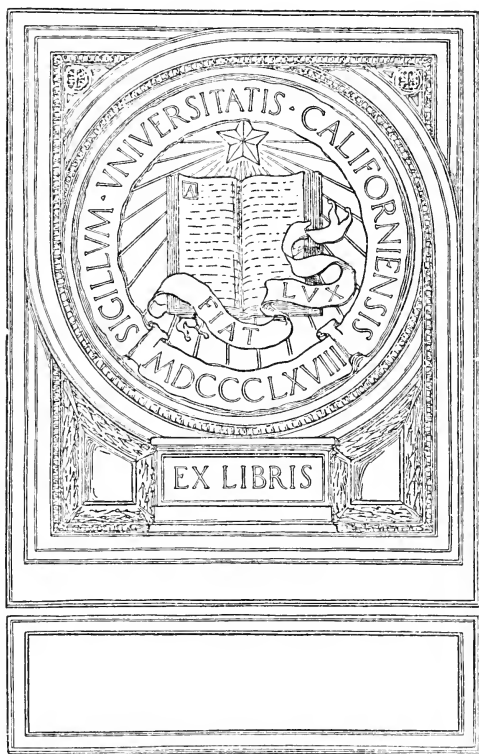


Gift

R. W. Dodge



9

Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation



Are the Critics Right ?



Are the Critics Right?

HISTORICAL & CRITICAL CONSIDERATIONS

AGAINST

THE GRAF-WELLHAUSEN HYPOTHESIS

BY

WILHELM MÖLLER

WITH AN INTRODUCTION BY
PROFESSOR C. VON ORELLI, D.D.

7276

TRANSLATED FROM THE GERMAN BY

C. H. IRWIN, M.A.

WITHDRAWN FROM

UNIVERSITY OF REDLANDS LIBRARY

FLEMING H. REVELL COMPANY

NEW YORK, CHICAGO, TORONTO

BS1225

M57

Gift of University of Redlands Library

TO THE
LIBRARY

PREFACE TO ENGLISH EDITION

IN view of statements as to the authorship and date of the books of the Pentateuch made by British supporters of the Higher Criticism, it has been thought desirable to issue this translation of the work of one who was formerly a follower of Wellhausen. The book has already been translated from its German original into Danish and Norwegian.

The translator has added the Table of Contents at the beginning, the sub-headings of the various sections throughout the book, and the Index at the end.



INTRODUCTION

I GLADLY accede to the wish of the author that I should write a word of introduction to the following pages. These pages are truly a welcome indication that there is in the field of Old Testament criticism no lack of independent workers among the younger generation, who do not accept the theories offered by the authorities of to-day as something incontrovertible, but test them without prejudice, and discover how much they contain that is untenable. Nothing indeed is more astonishing to me than the readiness with which even diligent explorers in this field attach themselves to the dominant theory and repeat the most rash hypotheses as if they were part of an unquestioned creed. Under these circumstances the elements of fact on the other side must be emphasised until they receive their due weight. This is done by the following treatise, which comprehends much that has been said already but has never been refuted. A special value attaches to it from the fact that the author himself formerly

shared the views which he now opposes, but has allowed himself to be convinced by the evidence of the facts on the other side. The youthful temperament, which sometimes betrays itself in rather hasty conclusions or in a too absolute form of judgment, gives, on the other hand, the benefit of vivacity to the writing, and will not repel the readers for whom it is intended. On all the leading points I can only agree with the train of thought, and I am convinced that the weight of the arguments here vindicated will be better appreciated by a future generation of Protestant theologians than has been the case in recent decades. That this little book, moreover, may contribute to a more unbiassed treatment of the inquiry as to the origin of the Old Testament, and one more worthy of the high subject, is my earnest wish.

C. VON ORELLI, D.D.,
Professor.

BASEL, *May 2, 1899.*

7276 CONTENTS

	PAGE
AUTHOR'S PREFACE—	
Origin of the book	xv
The method not dogmatical, but historical and critical . . .	xvii
The Graf-Wellhausen theory and the three codes of laws in the Pentateuch (JE, D, and P)	xviii
List of books recommended in refutation of the modern critical theories	xxi

CHAPTER I

COMPARISON OF THE LAWS WITH THE HISTORY

I. CRITICISM OF THE MODERN DATE OF DEUTERONOMY—

Wellhausen's theory, dating it at time of King Josiah . . .	1
Examination of the narrative in 2 Kings xxii. and fol.	3
1. Cause of Josiah's alarm at the finding of the law . . .	3
Kautzsch's theory	4
Untenableness of the view that because a law was unknown at a particular time therefore it did not exist	7
Shown by the analogy of J and E	8
2 Kings xxii. 8 implies that Hilkiah knew the book by hearsay	10
2. Deut. could have been produced neither by the priests nor by the prophets of Josiah's time . . .	14
Kautzsch's theory that it was the work of the prophets	14
Opposed by Kuenen, who attributes it to the priests	14

x ARE THE CRITICS RIGHT?

	PAGE
But the profligacy of both priests and prophets of that time makes their authorship of Deut. impossible	16
3. The Mosaic authority attributed to Deut. inconsistent with the later date	17
Cornill's view that the name of Moses was necessary to give weight to Deut.	18
Why should the Mosaic authorship impress such an age as that of Josiah?	19
4. The effect produced by such a deception is incredible	20
The priests, the prophets, the king, the people, all are deceived	21
5. The contents of Deut. itself contradict the later date	25
(a) Why include the civil sphere in reforms planned for religion and worship only?	25
The reformation of Josiah's time was chiefly abolition of idolatry. But it is not prohibition of idolatry, but unity of worship, which is the leading thought in Deut.	29
(b) Individual injunctions of Deut. contradict later date	32
The extermination of the Canaanites	33
Laws about going forth to war: no mention of a king	34
The injunction about the Amalekites	36
References to Moses, to false prophets, and the exile	37
6. Distinct traces of Deut. in existence long before 623 B.C., 2 Kings xviii. 4-6; 2 Kings xiv. 6; Josh. viii. 30; Hos. iv. 4, v. 10; Amos iv. 4; Jer. vii. 12; 1 Sam. i.-iii.; Judges xvii. and foll.	40
On the critical theory, Deut. is a pious fraud	50
Summary	53

II. CRITICISM OF THE MODERN DATING OF THE PRIESTLY CODE—

A. Criticism of the modern result	55
1. The Law as read by Ezra (Neh. viii.-x.)	56
Wellhausen's view that PC originated then (second half of fifth century B.C.)	59

CONTENTS

xi

PAGE

Views of Reuss, Kayser, Kautzsch, and other modern critics	62
2. The Priestly Code itself contradicts, by its aim, the later date	66
3. The Priestly Code not at all adapted for the purpose assigned to it by the critics	72
4. The result attributed to PC quite incredible on the critical theory	75
5. PC could not have originated with such authors as the critics assume	80
6. Many particular enactments of PC are inexplicable on the modern theory	87
A pious fraud once more	94
Summary	95
B. Criticism of the modern auxiliary hypotheses which are supposed to necessitate an early date for PC	99
(a) Relation of the prophets to the Priestly Code	99
1. Does Jer. vii. 21 and foll. prove that PC could not have existed in Jeremiah's time?	100
2. Did the prophets really assume a hostile attitude toward sacrifice?	106
3. The apparent hostility of the prophets directed not against sacrifice in itself, but against sacrifice as a substitute for obedience	112
(β) Relation of Ezek. xl.-xlviii. (Ezekiel's vision) to the Priestly Code	114
1. The argument that PC is later than Ezekiel proves too much	115
On the same principle Ezekiel could not have been acquainted with the Books of the Covenant or with Deut.	116
Ezekiel presupposes a previous ritual legislation	120
Summary	123
2. The degradation of priests to Levites (Ezek. xlv. 4 and foll.) one of the principal supports of modern criticism	124
(a) But this degradation implies disobedience to a previous enactment—an enactment only found in PC	127
(b) Ezek. xlviii. 11, 13, presupposes PC	128
(c) The word "Levite" could not have been chosen as a mark of punishment	129

xii ARE THE CRITICS RIGHT ?

	PAGE
(d) Incredible that Ezekiel could have introduced the distinction	129
(e) Ezra ii. does not support the critical view	133
(f) The critical theory credits the authors of PC with astounding folly	133
The true sequence is P—Ezekiel, not Ezekiel—P	140
(γ) Relation of the history, down to B.C. 444, to the Priestly Code	141
1. Are there no traces of PC in the history before 444?	141
The critics' "history" is itself quite unhistorical	144
2. That the enactments of PC were violated is no proof that they did not exist	150
III. CRITICISM OF THE MODERN DATING OF THE BOOKS OF THE COVENANT—	
1. Consideration of Ex. xx. 24	161
This date is contradicted by the principles applied by the critics to Deut. and PC	161
2. Impossible to place the Books of the Covenant so late	166

CHAPTER II

COMPARISON OF THE LAWS WITH ONE ANOTHER

The modern sequence is: Books of the Covenant, Deut., P	171
1. General observations—	
(a) P alone contains ritual legislation, therefore it cannot be described as an expansion of the other two	172
(b) The argument that Deut. makes no reference to P cuts both ways	173
2. Discussion of particular passages	174
The ark (Deut. x.)	174
Clean and unclean	176
The Laws about the Feasts	178
The critical theory that the three great Feasts were merely harvest festivals	179
How then did they suddenly come to have an historical reference?	180
The names of the Feasts only to be explained by the historical reference	182

CONTENTS

xiii

PAGE

The dates prescribed for the Feasts presuppose the enactments of P	185
3. Laws which are only possible if PC comes at the time of the wandering in the wilderness, and Deut. shortly before the entrance into Palestine	188
The slaying of the paschal lamb, and the assembly at the holy place	188
The central sanctuary	189
Wellhausen's theory that down to the seventh century every killing was a sacrifice, but that after that sacrifices must only be offered at the central sanctuary	190
The permission in Deut. xii. to sacrifice anywhere proves that Deut. was later than PC	193
The redemption of the first-born in Deut. xiv. is further evidence of the same	194
4. Difficulties which are inexplicable except on the assumption of the priority of PC	196
The distinction between priests and Levites	196
The difference between PC and Deut. in regard to the tithe	201

CONCLUSION

Summary of previous argument	203
The conclusions of criticism make the idea of a revelation untenable.	206
Wellhausen's logical conclusions result in the overthrow of his whole theory, and prepare for the acceptance of the Mosaic authorship (in essential structure at least) of the disputed books	210
Modern criticism not scientific, but, as in the case of Vatke, the result of dogmatic preconceptions	213
Natural development of religion <i>v.</i> Divine revelation	214



PREFACE

I AM constrained to publish the following long-planned pamphlet. After the experiences which other opponents of the Graf-Wellhausen hypothesis have had with their writings, I can scarcely hope that my "Considerations" will receive any attention from the representatives of the modern Old Testament school. This little book is therefore, at the outset, addressed not to them at all, but to the students who are for the moment entirely dependent on their professors. I know from my own experience, as well as from many acquaintances, that little encouragement is given to students of the Old Testament even to take in their hand for once a book of a different school. I myself have been in several cases advised against it by professors. Now it cannot for a moment be doubted that it is utterly unscientific to seek to know one's opponent from polemical writings only.

The accompanying treatise will, it is hoped, help to remove this one-sidedness, and create

in students a desire to study even the literature on the other side, but above all to make them hesitate in the confidence with which they follow modern criticism. I myself was immovably convinced of the irrefutable correctness of the Graf-Wellhausen hypothesis, so long as I allowed it alone to have an effect upon me. But after my attention was once directed to its weaknesses (first by Köhler in Erlangen), after I had studied with some thoroughness the scientific literature on the other side, this hypothesis seemed to me more and more monstrous. By discussions on the subject in the Theological Societies at Erlangen and Halle, in the Tholuck Institute at Halle, and in the Theological Seminary at Wittenberg, as well as by frequent conversations with friends and acquaintances, my own view was confirmed and elucidated, so that I hope that the change which took place in my case may and will be effected in others also.

I know indeed from my own theological development that a dogmatic treatment would be of little use and efficacy in this case. I certainly should not have been converted by it in my first college terms; for I had reached the conviction that the modern conception of the Old Testament did not necessarily exclude revelation, but that for the rest the dogmatic view would have to be modified in accordance

with the assured historical results. Hence even in the following pages I proceed not dogmatically, but purely by the historical-critical method.

I should make the effect of my treatise illusory from the start if I arranged it apologetically, and sought to defend in succession the points attacked by Wellhausen. In that way the appearance of dogmatic bias and energetic refinement, which so readily affects the apologete, might too easily arise ; and moreover the ingenious scheme of Wellhausen would still exercise its attractive power.

The way from which I anticipate most result is to put the opponent himself on the defensive, and thus at once to take up the offensive. If one is only once thoroughly convinced that the Graf-Wellhausen hypothesis involves us in endless difficulties, one is the more disposed to pay attention to apologetic efforts. The whole force of our treatise, at any rate, lies in the attack on the modern hypothesis.

The aim and the constituency of the booklet permit, nay demand, that we should not attempt completeness or exhaustive treatment. The terseness of the book would otherwise suffer ; it would remain unread. I have fully attained my purpose, if the points of the modern hypothesis here specified are found to be difficulties. The rest will then follow of itself.

The modern theory I assume throughout as

known to my readers. In the discrimination of sources, their nomenclature and dates, Kautzsch's *Translation of the Bible* has been taken as a basis. The same is the case, as a rule, with Biblical quotations. The quotations from Kautzsch refer to his *Abriss der Geschichte des altestamentlichen Schrifttums* ("Sketch of the History of the Old Testament Scriptures") in the Supplements to his *Translation of the Bible*.¹ They shall appear pretty often, not only because this Bible work will be in the hands of most students, but, above all, because it professes to contain "the actual results of the strictly scientific Biblical inquiry" (comp. the first preface in the Supplements, p. viii.). There is, besides, little quotation from writings of followers or of opponents of the modern theory, because, in my judgment, the value of a treatise does not depend upon the multitude of quotations which it gives.

A few words, finally, about the plan of the whole. The peculiar attraction of the Graf-Wellhausen hypothesis consists first in the apparent agreement between law and history, and then in the apparently smooth development of the various collections of laws. As is well known, three such collections are assumed in the Pentateuch :—

¹ The separate edition contains no essential alterations on the points of importance to us.

1. The two so-called Books of the Covenant, Ex. xx.-xxiii. and Ex. xxxiv. 10, 14-26, wrought together into the original sources JE (Jahwist and Elohist) which existed before the prophetic writings.

2. Deuteronomy (D).

3. The Priestly Code (P or PC) which, besides a brief prefatory history, contains the injunctions, Ex. xxv.-xxxi. ; xxxv.-xl. ; Lev. i.-xxvii. ; Num. i.-x. 28 ; xv. ; xviii.-xix. ; xxv. 6-xxxi. ; xxxiii.-xxxvi. (only the larger sections which are inter-related are enumerated).

The Books of the Covenant are then said to agree with the historical circumstances down to the reformation of worship under Josiah (623 B.C.), described in 2 Kings xxii. *et seq.*, and also with the patriarchal narratives of JE originating in this period. A similar harmony between law and history is alleged to exist in the case of D since that reformation of worship, and in the case of P since the publication of the law under Ezra (comp. Neh. viii.-x., 444 B.C.), while the history before the period 623, and especially 444, is said not only to be in glaring opposition to the requirements of D, and especially P, but also not to suggest the slightest acquaintance with them. If even before Wellhausen there was agreement about the placing of the Books of the Covenant and Deuteronomy, inasmuch as, on account of

their harmony with the history, the former were placed in the period before the major prophets and the latter in the seventh century B.C., it was clear how enticing and alluring the Wellhausen hypothesis must be, which, by assigning the Priestly Code to the exilic and post-exilic period, extended that harmony between law and history even to this third collection of laws.

The Wellhausen arrangement is really only the necessary key-stone of the building which was already carried so far. And, *vice versa*, if there had not previously been agreement in the assumptions on which Wellhausen builds his plan, the general spread of the Wellhausen hypothesis would be incomprehensible; but it is only the necessary consequence of the previous assumptions, and must have emerged sooner or later. For this reason, however, we must also necessarily extend our examination to the whole. In the first part this will be directed to the question whether the laws could have really originated in the period in which modern criticism places them, and this part again will naturally divide itself into three sections, in which the examination will be successively made with regard to each of the collections of laws. If, then, only in one passage that alleged agreement between law and history should be proved to be an error, if only in one group of laws, namely D, the untenableness of

the modern dating should be shown, this must inflict a perceptible blow on the whole of modern criticism. For that which is peculiarly convincing in the Graf-Wellhausen hypothesis lies precisely in this threefold harmony between law and history.

If one is convinced on all points that this is actually non-existent, that even on the principles of modern criticism it is impossible that all the three groups of laws could have arisen at the time to which their origin is assigned, there still remains a comparison of the laws with one another which, according to Wellhausen, must necessarily lead to the sequence: Books of the Covenant, Deuteronomy, Priestly Code. This assertion will be examined in our second part.

Some of the works which I have most used against modern criticism are enumerated below, and strongly recommended for study. In them many, if not all, of the thoughts here put forward have already been expressed, but have hitherto remained ineffectual in their isolation. The choice of the books mentioned has been guided by the influence which they have exercised upon the author.

BOOKS RECOMMENDED

BAUDISSIN.—*Geschichte des alttestamentlichen Priestertums.*

Especially noteworthy is the section, "The Priesthood in Ezekiel," pp. 105 ff.

BREDENKAMP.—*Gesetz und Propheten*. Highly recommended.

DELITZSCH.—*Pentateuch-kritische Studien* in the *Zeitschrift für kirchliche Wissenschaft und Leben*, 1880. Well worth reading.

DILLMANN.—*Die Bücher Numeri, Deuteronomium und Josua*, with an appendix on the composition of the Hexateuch.

HÄVERNICK.—*Specielle Einleitung zum Pentateuch*.

HENGSTENBERG.—*Beiträge zur Einleitung ins alte Testament*, vols. ii. and iii. (on the authenticity of the Pentateuch).

In the last two works many individual objections of criticism are so convincingly and conclusively refuted, that it is quite incomprehensible how they can be brought forward again and again as if no answer had ever been made to them.

KLEINERT.—*Zum Deuteronomium*.

KLOSTERMANN.—*Beiträge zur Entstehungsgeschichte des Pentateuch* in the *Neue Kirchliche Zeitschrift*, 1890-1897 (cf. especially No. 2, "Der sichere Ausgangspunkt für die künftige Pentateuchkritik," 1892; and No. 7, "Heiligtums- und Lagerordnung," 1897).

KÖHLER.—*Lehrbuch der biblischen Geschichte des Alten Testaments*. Indispensable as a book of reference. Especially valuable are the notes in the third vol.

J. ROBERTSON.—*The Early Religion of Israel*, translated by v. Orelli. Dillmann says of this book, that it strikes the nail on the head. Especially worthy of notice is the positive construction.

FR. W. SCHULZ.—*Das Deuteronomium*.

SCHUMANN.—*Die Wellhausensche Pentateuchtheorie*.

THE STRACK-ZÖCKLER *Commentaries*, especially those of OETTLI and v. ORELLI.

CHAPTER I

COMPARISON OF THE LAWS WITH THE HISTORY

I. *Criticism of the Modern Date of Deuteronomy*

WE begin with an inquiry regarding Deuteronomy. To commence here appeals to me personally, because it was on this point that I first became distrustful of modern criticism. But the chief reason is that Deut. is, with the critics, the firm foundation on which they build the superstructure.

In Wellhausen's *Prolegomena* (the 4th edition of 1895 is here quoted), p. 9, this sentence occurs: "As to the origin of Deuteronomy little doubt now prevails; in all circles where recognition of scientific results is at all to be depended on, it is admitted that it was produced at the time in which it was discovered, and that it was made the basis for the reformation of King Josiah." This certainly sounds very promising for us! But we do not allow ourselves to be alarmed by such

2 .ARE THE CRITICS RIGHT?

triumphant and self-conscious utterances of our opponents, and maintain on the contrary that any one who declares Kleinert's book *Zum Deuteronomium* and Delitzsch's article (as above named, No. 11, "The Code of Laws in Deuteronomy") unscientific simply because they oppose the modern date, shows thereby that he is utterly lacking in unprejudiced judgment of what is, and what is not, scientific work. We remember also that in most recent times the modern date of Deuteronomy has been most vigorously contested by men like Klostermann (as above), Köhler (as above), and Robertson (as above).

So much by way of explanation. For the rest we do not consider it superfluous, even at the risk of being regarded as unscientific by Wellhausen, to undertake once more an examination into the date of the origin of Deuteronomy. And we hope, by purely scientific method, to show this much at least—that there are the greatest possible difficulties in the way of placing it in the seventh century B.C.

In the first place, there is no question that Deuteronomy itself professes to be a speech which Moses addressed to the people on the threshold of the Holy Land shortly before his death, in which he put before them once more God's merciful dealings and also the obligations resulting therefrom, especially that of unity of worship.

According to modern criticism, however, this is merely a cloak. The narrative in 2 Kings xxii. and foll., as well as Deut. itself, are said to indicate clearly that it had originated but a short time before its discovery in the year 623. Let us therefore in the first place examine the narrative in 2 Kings xxii. and foll., which even according to modern criticism is to be regarded as authentic in the most essential points.

1. According to this, Josiah the king in the eighteenth year of his reign (623 B.C.) has sent Shaphan the scribe to the temple on money matters; there the high-priest Hilki'ah says to him, "I have found the book of the law in the house of the Lord" (ver. 8). Shaphan reads it, returns to the king and reports to him about his errand; then he adds, "Hilki'ah the priest hath delivered me a book" (ver. 10), and reads it before the king. The king is terribly alarmed at its contents, rends his clothes, and commands five persons, among them Hilki'ah and Shaphan, to inquire of Jahwe concerning the words of the book for himself and for the people and for all Judah, "for great is the wrath of the Lord that is kindled against us, because our fathers have not hearkened unto the words of this book" (ver. 13). The messengers betake themselves to Huldah the prophetess, who foretells misfortune, and announces that all the threatenings of the book shall be

Examina-
tion of
2 Kings
xxi. 8.

4 ARE THE CRITICS RIGHT?

fulfilled, "because they have forsaken Me, and have burned incense unto other gods" (ver. 17). But because Josiah has humbled himself and has shown himself penitent, the trouble shall not take place until after his death. Then the book of the law which has been found is read in an assembly of the people, and the king pledges himself with his whole people to obey faithfully the commands of Jahwe, "to walk after the Lord, and to keep His commandments and His testimonies and His statutes with all their heart and all their soul, to perform the words of this covenant that were written in this book" (xxiii. 3). And now begins the purification of worship and the overthrow of idolatry. After this a passover is observed according to this Book of the Covenant (xxiii. 21), such as had not been held since the days of the Judges, and finally a check is put upon witchcraft, and the idols are exterminated. So far the narrative, which should be read in detail. This much at least is certain from it—that the book of the law was unknown, not only to Shaphan and the people, but also to the king. So far I am in agreement with modern criticism. Thus, for example, Kautzsch (*Abriss*, p. 167) says:—"It is clear that the violent emotion, the deep sorrow of the king, can only be explained by the fact that from the reading of the Book of the Covenant he was learning something quite new, which was in

CAUSE OF JOSIAH'S ALARM 5

entire opposition to the prevailing practice." But when Kautzsch continues, "This new element is the demand for the concentration of worship in one place, and at the same time the requirement of a thorough putting away of all remnants of the future nature-worship," I am compelled to see here a distortion of matters of fact. Kautzsch would be right if in the narrative 2 Kings xxii. and foll., generally or prominently, the abolition of the worship of Jahwe in "high places" was treated of (comp. 2 Kings xviii. 4-6 with ver. 22). If we read 2 Kings xxii. and foll. without prejudice we must find the new element which so alarmed the king, not in the demand for concentration of worship, but in the prohibition of idolatry and every form of nature-worship. True, it is stated in xxiii. 8 that Josiah defiled the high places where the priests had burned incense. But that this act serves not for the concentration of worship, but for the overthrow of idolatry, is clear from xxii. 17, where we are told that they offered incense not to Jahwe, but to idols. This very verse, in which the blame is laid upon the whole people, does not say a word about any breach of the commandment for unity of worship. Corresponding with this is the description in xxiii. 4 and foll., which plainly shows that the reference is to actual idolatry (comp. xxiii. 4, 5, 10, 13, 24).

6 ARE THE CRITICS RIGHT?

Moreover, let it not be said that it is peculiar to the Deuteronomic mode of treatment, to see in the worship of Jahwe in high places simply idolatry. It could not possibly occur to any one who wrote in the sense of Deuteronomy to confuse the one with the other; for Deuteronomy distinguishes them. In chapter xii. it directs itself against the worship of Jahwe in high places, and in chapter xiii. against idolatry. If it cannot be doubted for a moment from 2 Kings xxii. and foll. that actual idolatry had taken place (as at that time worship of Jahwe in high places cannot any longer be proved with certainty), if the idols are expressly named (Baal, Sun, Moon, the Constellations, all the host of heaven, Molech, Astarte, Chemosh), then it is indeed an extraordinary idea that the king should have been so excited because Jahwe had been worshipped at several places instead of one, and not because they had forsaken Jahwe and gone after other gods. I can only see, therefore, in the assumption of criticism a violence to the text, arising from the effort to make the origin of Deuteronomy probable shortly before 623. We shall return to this, and only add here that where in the chapter 2 Kings xxiii. the reference is to the worship of Jahwe, it only appears in the central sanctuary, so that we can only speak here of a purification of worship, but not at all of a concentration of worship. In

short, the new thing at which the king was so much alarmed cannot, according to the narrative in 2 Kings xxii. and foll., be "the requirement to concentrate worship in a single place," but only the prohibition of idolatry in the high places and the impure worship in Jerusalem, together with the punishments threatened for its infringement. To sum up, we thus find ourselves compelled to differ with criticism as to the new element which was contained for the king in the book of the law—how important this is will appear under § 5 (*a*)—but we agree with it in this, "that he perceived in the reading of the book of the law something quite new, which was in entire opposition to the prevailing practice." Yet here a serious difference again appears.

Criticism, namely, applies here a maxim which it often uses, the untenableness of which appears with special clearness from this passage. It maintains that if a supposed ancient law can be proved to be unknown at a particular time, so that there is no hesitation even on the part of the most pious in violating it, it follows that it must be of more recent date. Hence in the case before us there could be no reference to a merely lost book of the law; it must have been written shortly before its discovery, and thus they arrive at the assertion that Deuteronomy only originated in the seventh century B.C. We must meet with

8 ARE THE CRITICS RIGHT?

an absolute denial this assertion of criticism. The original writings J and E¹ are now dated previous to the major prophets, and this, too, together with the laws which they contain. Now let us read passages like Ex. xxxiv. 14-17: "Thou shalt worship no other god: for the Lord whose name is Jealous, is a jealous God: lest thou make a covenant with the inhabitants of the land, and they go a whoring after their gods, and do sacrifice unto their gods, and one call thee, and thou eat of his sacrifice; and thou take of their daughters unto thy sons, and their daughters go a whoring after their gods, and make thy sons go a whoring after their gods. Thou shalt make thee no molten gods." According to Cornill (*Einleitung in das Alte Testament*, 2nd ed.) vers. 10-14 also certainly belong to J; we therefore quote also vers. 12 and 13: "Take heed to thyself, lest thou make a covenant with the inhabitants of the land whither thou goest, lest it be for a snare in the midst of thee: but ye shall destroy their altars, break their images, and cut down their groves." We may also compare Ex. xx. 3 and foll., "Thou shalt have no other gods before Me. Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth: thou shalt not bow down thyself

¹ See Preface.

to them, nor serve them"; xxii. 18, "Thou shalt not suffer a witch to live"; xxii. 20, "He that sacrificeth unto any god, save unto the Lord only, he shall be utterly destroyed"; xxiii. 24, "Thou shalt not bow down to their (the Canaanites') gods, nor serve them, nor do after their works: but thou shalt utterly overthrow them, and quite break down their images"; xxiii. 32, 33, "Thou shalt make no covenant with them, nor with their gods. They shall not dwell in thy land, lest they make thee sin against Me: for if thou serve their gods, it will surely be a snare unto thee"; xxiii. 13, "And in all things that I have said unto you, be circumspect: and make no mention of the name of other gods, neither let it be heard out of thy mouth." I think that, had King Josiah known these laws, he must have seen from them quite as well as from Deut. that the practice (2 Kings xxiii. 4 and foll.) was in the rudest opposition to the Divine command. Plainly, therefore, he knew the two Books of the Covenant (Ex. xx.-xxiii.; xxxiv. 10-26) just as little as Deut. If from this the conclusion is not drawn that these books could not have previously existed, why should it be drawn for Deut.? If, however, the latter is done, let us at least be consistent, and admit that J and E must have similarly originated in the seventh century; but this on other grounds has to be left alone. This,

10 ARE THE CRITICS RIGHT?

however, shows the untenableness of that maxim of criticism. We will note for future use "that not merely the low country but even the capital and the temple" could be "actually crammed full with the signs of a naturalistic and merely heathen idolatry—and all this under the eyes of a king as pious as Josiah, and under the eyes of the temple priesthood!" (comp. Kautzsch, as above, p. 167), and that nevertheless, according to modern criticism, the Books of the Covenant, which condemned most emphatically such conduct, were regarded for centuries as Mosaic. For the question immediately before us, however, this much results, that notwithstanding the narrative in 2 Kings xxii. and foll., Deut. may, with equal reason with the Books of the Covenant, have originated earlier and been already in force, as is conceded by criticism in the case of the latter.

But our narrative in 2 Kings xxii. and foll. carries us a step farther; it indicates that in the book found by Hilki'ah we have not to consider something totally new, but that the reference is actually to the re-discovery of a book which has been lost, of the existence of which it is true neither Shaphan, nor the king, nor the people, but certainly the high-priest Hilki'ah, still knew; for he speaks not of "a book," as Shaphan does (xxii. 10), but he says, "I have found *the* book of the law in the house of the Lord" (xxii. 8). The

HILKIAH HIMSELF SURPRISED 11

[first] definite article[implied] in the Hebrew phrase סֵפֶר הַתּוֹרָה is incomprehensible, except on the assumption that Hilkiah knew the book by hearsay. From this it would result that, according to this very narrative in 2 Kings xxii. and foll., Deuteronomy must have come into existence a considerable time before 623, whereas previously we could only maintain the possibility of an earlier origin.

There is certainly a way of escape from this conclusion. It might be suggested that in the words of Hilkiah, "I have found *the* book of the law," a deceit was intended, that Hilkiah himself had a hand in the authorship, and that he now sought by the use of the definite article to produce the impression that it is not a publication for the first time, but the re-discovery of a book which had been lost and was missed by him. Though we refrain here from a judgment of this pious fraud, we are not justified in rejecting *a priori* the possibility of this explanation. But on closer examination it is seen to be untenable; we are this time in the happy position of having the majority of the critics on our side. Thus, for example, Kautzsch says (as above, p. 167): "All things considered . . . we may come to the conclusion that Hilkiah himself was surprised at the discovery. The position of the priests in Deuteronomy is by no means of a kind that would explain a special eagerness on their part

12 ARE THE CRITICS RIGHT?

for the creation and introduction of this law. Certainly the concentrating of worship assured to the priests at Jerusalem an important increase in influence and income, even though the gifts to the priests were in themselves still very moderate (Deut. xviii. 3 and foll.). But all possible advantages are weakened by the express command (Deut. xviii. 6 and foll.) that henceforth a right to the priestly office in the temple and to the priestly revenues shall be conceded even to those who have been priests in the country. . . . The writer of Deuteronomy was clearly in earnest in the command of xviii. 6, and this is in itself a proof that he is to be sought for not among the priests, but among the prophets. That the book was actually placed by an unknown hand in the temple in the certain hope that sooner or later it would be discovered, and its aim then fulfilled, is proved first of all by the fact that it came to light on the occasion of repairs in the temple. And, in the second place, we must not overlook the question why, under the presumably favourable circumstances for a reformation of worship, they should have waited until the eighteenth year of Josiah to publish in such a way a book which must have already for a long time been a pressing need." We may therefore agree entirely with Kautzsch in his negative conclusions, and regard his reasons as convincing. But the only way of reconciling

the definite article in 2 Kings xxii. 8 with the modern date of Deuteronomy has thus been cut off. And true as it is, "that Hilkiash himself was surprised at the discovery," it is equally true that the definite article shows plainly that the book of the law which was found could not have been to Hilkiash an absolutely new thing. Before we pass on to the next question, for which we have already prepared the way by the last arguments, let us sum up once more the points of importance which have resulted from our consideration of the narrative 2 Kings xxii. and foll.

- (a) In 2 Kings xxii. and foll. the reference is not at all, or at least in the first instance, to concentration of worship, but to purification of worship and abolition of idolatry. The significance of this extremely important question for the inquiry as to the origin of Deut. will appear under § 5 (a).
- (b) The book Deut. *may*, notwithstanding the improprieties in regard to religion and worship described in 2 Kings xxii. and foll., and tolerated by Josiah until the year 623, have already had an existence and an authority, since the argument from these improprieties could and must be equally held as valid against the earlier existence and authority of the Books of the Covenant.

14 ARE THE CRITICS RIGHT ?

- (c) The book Deut. *must* have been known and must have possessed authoritative force at an earlier date ; otherwise the definite article in 2 Kings xxii. 8 remains incomprehensible and inexplicable.

Deut.
could have
been
produced
neither
by the
priests
nor the
prophets
of Josiah's
time.

2. We were able to agree with Kautzsch when he rejected the production and introduction of Deut. by the priesthood. On the other hand, we must now pronounce impossible his own positive propositions, according to which the author should be sought for in the circle of the prophets, or at any rate outside the priesthood ; above all, when it is assumed "that the book was written in a dark time, perhaps under Manasseh, and deposited in hope of a better time, but in the meantime perhaps the author had died" (as above, p. 168). My attitude of opposition will certainly appear to be above suspicion, when I am able to appeal in this connexion to so eminent a modern critic as Kuenen. In his *Historisch kritische Einleitung in die Bücher des Alten Testaments* (authorised German edition by Dr. Th. Weber, vol. i. p. 209) Kuenen says: "In opposition to this [the view sketched above] there is, however, the important, and in my view unanswerable consideration, that according to this assumption of the course of events the reformation is called into life by persons who have not planned it, and are only

blind instruments in the hand of the unknown author. Such an assumption has no analogies. Almost equally improbable is the part which is assigned to the author of Deut. in connexion with it; he states his wishes in writing and urges their fulfilment with the greatest earnestness—but leaves them to chance.” Then Kuenen defends the above-rejected aspect of the hypothesis, according to which Deut. was produced by priests. We have here the rare occurrence that the foregoing critics, otherwise so united, differ from one another on a really important point, and clear us from the reproach of dogmatic prepossession. In fact, the weaknesses of our opponents’ position on this point are so obvious, that from this alone the absolute untenableness of the almost universally accepted date of Deut. is evident. It must have been written either by priests or by other persons, by prophets in particular; both have been shown to be impossible under the circumstances assumed by the critics.

We may add the following reasons. It is an argument against the production by priests in the seventh century that the larger part of Deuteronomy, even in most of the legal sections, chapter xii. and foll., breathes a thoroughly prophetic spirit, and lays down the highest religious and ethical principles. This indeed is not in itself irreconcil-

16 ARE THE CRITICS RIGHT?

able with the priestly spirit, but it certainly is so with the priestly spirit of that time. Not only the priests of the northern kingdom were profligate and corrupt (Hos. iv. 4-10, vi. 9, etc.) but also those of the kingdom of Judah (comp. Is. xxviii. 7 and foll., 14; Mic. iii. 11; Zeph. iii. 4; Jer. ii. 26, v. 31, vi. 13, xxiii. 11). To such a priesthood it is impossible to assign the authorship of Deut. The saying of our Lord is true in this case: "Neither can a corrupt tree bring forth good fruit" (Matt. vii. 18).

This argument, in addition to what is adduced above, tells equally against the production by prophets of that time. The passages Mic. iii. 11; Zeph. iii. 4; Jer. ii. 26, v. 31, vi. 13, xiv. 14 and foll., xxiii. 9 and foll., xxviii. 15 and foll., xxix. 8 and foll., show us how sad was the condition of the prophets of that period. For the most varied reasons Deut. cannot be attributed to the known prophetic writers; and certainly not to the other prophets named by them, for they were profligate persons, to whom the prophetic writers were in the sharpest opposition. Where are we to look for the prophetic circles in which Deut. could have originated?

Further, is it credible that a prophet would have given so many casuistical directions as meet us in Deut. xix. and foll., and this too at a time

when the conditions were so bad as in the seventh century ?

But, above all, it would be quite incomprehensible why the author did not appear openly, as was otherwise the method of the prophets, but covered himself with the authority of Moses ; and the more incomprehensible since, according to Deut. xviii. 15, 18, the author held out the prospect, from the times of Moses for all the future, of a prophet who should have Mosaic authority.

In short, we see that the modern date of Deut. is wrecked not only by the narrative in 2 Kings xxii. and foll. (see above, 1, c), but also by the *question of authorship*.

3. We have been recalling the fact that a prophet would have had difficulty in concealing himself under the mantle of Moses. But apart from this altogether, the whole hypothesis must break down on the *Mosaic dress* ; this we shall show in the present section. True, it is pointed out with great emphasis that it would naturally occur to Israelitish lawgivers—nay, that they really could do nothing else than introduce new laws under the authority of Moses. Thus Cornill, for example (as above, p. 37 and foll.), says : “ D. was certainly written not long before its publication, for it was calculated from the beginning in view of this : it appears to me inadmissible that it goes

The
Mosaic
authority
attributed
to Deut. in-
consistent
with the
later date.

18 ARE THE CRITICS RIGHT?

back to the time of Manasseh. Then, however, we must also recognise the fact that we have here a pseudepigraph, and that this fact was known to those chiefly interested in it—an instructive evidence that even then Moses was to the Jewish mind the lawgiver and founder of religion *κατ' ἐξοχήν*, so that only under his name a later writer could reckon on a hearing as a religious lawgiver. And this must be the excuse for those men, that they saw no other means of carrying out their work planned in the spirit of Moses and for the honour of Jahwe." This sounds all very pretty; only it is a pity that you should yourself have already sawn off the branch on which you want to sit; for all the laws which are attributed to Moses you have denied to him; to put others, of which we know nothing, in their place is the purest arbitrariness. Of the laws which are before us only the few legal directions of the Books of the Covenant (Ex. xx.-xxiii. and xxxiv.) would have been regarded as Mosaic at the time of the discovery of Deut.; yet are we to believe that no other course was possible than to attribute to Moses all new laws? If therefore the effort to prove the Mosaic disguise to be necessary, or even only probable, does not succeed, then this dress would have been absolutely excluded, because the new legislation, according to the view of modern criticism, was in the sharpest contradiction to that

MOSAIC DRESS INEXPLICABLE 19

which was hitherto regarded as Mosaic ; for it is said to be taught in Ex. xx. 24 that Moses expressly permitted the offering of sacrifices everywhere, whereas in Deut. the whole emphasis is laid on the instruction that sacrifice must only be offered in the central sanctuary (comp. especially chap. xii.). I should really like to know not only how it would have occurred to the authors, but how it was possible at all for them to put their legislation in the mouth of Moses.¹ The result which they would have liked to attain by means of the Mosaic dress, they would have made from the first, by means of it, illusory and impossible. The contradiction between the instructions recognised as Mosaic must have shown only too clearly that the newly-found book of the law was not Mosaic, but an innovation. Only in passing we may point out that it was an incredible optimism on the part of the authors, if they expected from the reference to Moses permanent results on the part of a thoroughly lost people who cared neither for the living prophets nor for their God.² The result proved at least that the reformation of worship under Josiah was only able

¹ I see besides, even in view of the legislative directions attributed to Moses which differ in cardinal points from one another, no better way than to attribute them to him, at least so far as their kernel and essential substance are concerned.

² A friend who has read this translation in MS. says here : " If they hear not Moses and the prophets, yet they will be persuaded if one forge a Mosaic treatise."—TRANS.

20 ARE THE CRITICS RIGHT?

to fan a fire of straw. Moreover, it is hardly credible that this important book of laws should have been assigned to the end of Moses' life if, as modern criticism alleges, Deut. was nevertheless the first detailed legislation attributed to Moses. But these are all merely subordinate elements in comparison with what has been argued above, with which one other point may be classed as of equal significance.

We must not regard the Mosaic dress as if it were a matter of comparative indifference. On its consistent accomplishment the success of the whole would depend, as will be seen more particularly from § 4. For then it would have been above all things necessary to give the book such an antiquarian appearance that it might reckon on credence for its claim to be Mosaic. But if we reflect how difficult it is even to-day to give such an ancient appearance to new subjects, we cannot understand how the authors of Deut. could have given themselves credit for such very fabulous skill; I think that on this ground alone they could not have arrived at the idea of attributing their legislation, not merely in its substance but in its writing, to Moses (comp. Deut. xxxi. 9).

The effect
produced
by such a
deception
is incred-
ible.

4. But let us really suppose that the authors did not permit themselves to be deterred from the Mosaic dress by the last-named difficulty, still our

EFFECT OF THE DECEPTION 21

astonishment grows when we hear of the *result*. The new book of laws must have been disagreeable to all, as we shall presently see—certainly ground enough for all to examine very closely into its genuineness. But the dress must have been such a masterly success in form, appearance, and substance, that not even the smallest doubt could arise as to its genuineness. It is true that the circumstances soon became just as bad as they had been before; the enthusiasm and the alarm disappeared as quickly as they had come; men sinned exactly as before; but there is nowhere the slightest hint that any one had dared to question the genuineness of this book of the law (comp., for example, Jer. xxxiv. 8 and foll., where the law Deut. xv. 12 and foll. had been transgressed, but nothing is urged against the appeal of Jeremiah to Deut. Jeremiah stands on one point on the same ground with the transgressors; both regard Deut. as Mosaic). Let us examine a little more in detail.

The whole people—with its spiritual leaders, the priests and the prophets (2 Kings xxiii. 2)—allows itself to be deceived, and does not observe that laws appear here as Mosaic which are in mutually exclusive opposition to what has been up to the present considered as such. This is the more remarkable, as it would not be entirely a matter of indifference to the people whether

22 ARE THE CRITICS RIGHT ?

they should suddenly pay dues to their priests (comp. Deut. xviii. 1 and foll.), whether they should and must perform their worship only at the central sanctuary, whether they had to fulfil the other numerous burdensome directions. It is the more remarkable, as every decaying age is specially inclined to be critical. How thoroughly the authorities, how thoroughly the whole people know in Jer. xxvi. 7 and foll. whether or not the religious conceptions of the prophet agree with those hitherto accepted. It is finally the more remarkable, as the people in those days only submitted themselves to the religious yoke with extreme reluctance, and soon transgressed the law again, without being able to challenge its genuineness.

The priests of the high places allow themselves to be deceived, and yet they are thereby thrown out of their own special calling ; for it was but a slight compensation, when they were permitted to perform service at the sanctuary—with which they had always been occupied—to have to share the revenues also with a multitude of other priests.

The central priesthood allow themselves to be deceived ; even they cannot refuse to acknowledge the book of the law, and yet the instruction (Deut. xviii. 6 and foll.) “that henceforth those who have hitherto been country priests shall have a claim to the priestly service in the temple

and to the priestly dues," weakens all possible advantages, and must therefore be disagreeable to them also (comp. Kautzsch, p. 167).

King Josiah allows himself to be deceived, and has to submit to the authority of the book of the law. When he sends to Huldah the prophetess, it is not for the purpose of testing the genuineness of the book, which is firmly established in his sight (comp. 2 Kings xxii. 13), but to ask whether the threatenings of the book are to be fulfilled (this is the only explanation which fits the answer of the prophetess, 2 Kings xxii. 15 and foll.). Yet how disagreeable to the king must be the book of the law which blamed him and his ancestors and put them in the pillory (comp. 2 Kings xxii. 13, 16 and foll.)!

The prophets allow themselves to be deceived—Huldah and even Jeremiah, and the latter so much so that he goes through the streets of Jerusalem and the cities of Judah and defends Deuteronomy as the legislation of Moses (comp. Jer. xi.); and yet Jeremiah is the very prophet who unhesitatingly exposes the false prophecy of his contemporaries (*e.g.* Jer. xxix. and foll.), and who on other occasions knows so exactly what is God's Thora and what is not (comp. *e.g.* Jer. viii. 8).¹ Must he, therefore, not have noticed that

¹ Criticism certainly makes Jeremiah hesitate in his relation to Deut. On this, and opposed to it, the striking remarks of Bredenkamp (as above quoted, pp. 101-108) may be specially noted.

24 ARE THE CRITICS RIGHT?

here something was smuggled in under a false mark?

We can only say that the result would be absolutely incredible, if modern criticism was right in its view of the origin of Deut.; nay, it is so incredible that the latter, for this reason alone, cannot be right. The more one is otherwise inclined to assume sources in Deut. and to ascribe it therefore to various authors (comp. *e.g.* Cornill, Kautzsch, Steuernagel), the more mysterious would it be that nothing of the secret work came to light. For this must of necessity be assumed, otherwise the result would have been impossible from the first.

Moreover, it is quite an obscure conception under which criticism sometimes acts, as if Deut. had no further concern with its outward dress, and as if it even allowed this sometimes to appear clearly. We saw how many interests would be injured by Deut., and how the unparalleled result was from the first impossible, if the disguise were not carried out in an absolutely masterly and flawless fashion. If it were really so, as Kautzsch (p. 168) represents, that "the Deuteronomist often (as in xii. 2 in the perfect 'served' [their gods]) lets the disguise appear clearly, that he, in fact, addresses a people long settled, living in the midst of a tolerably highly-advanced worship"—this would be the strongest

possible refutation of the possibility of the modern view of the origin of Deut.

5. (a) Up to this point we have seen that the modern date of Deut. not only has not the narrative of 2 Kings xxii. and foll. in its favour, but against it (§ 1); we have proved that it meets with invincible difficulties as soon as we try to reduce the idea to actual form; we find no suitable author (§ 2); we cannot understand how the author could choose the Mosaic disguise (§ 3); we must find it incredible that he could succeed with his pretence without being unmasked (§ 4). Now we enter upon Deut. itself, and inquire whether, in its *contents* at least, it corresponds to the modern view; but here it is absolutely clear that the origin of the book cannot be made contemporaneous with the reformation of worship under Josiah. According to modern criticism, Deut. was produced with the view of effecting what it did effect. Its result was its aim; it was aimed from the first at the reformation of worship, such as took place in 623, and it therefore owed its origin to the untenable conditions of religion and worship at that time. Thus Cornill (as above, p. 37) says: "D. was certainly produced not long before its publication; for it was from the beginning calculated with a view to this." In it, according to Kautzsch

The contents of Deut. itself contradict the later date.

26 ARE THE CRITICS RIGHT?

(as above, p. 166), a great problem was solved: "The restoration of a comprehensive body of religious and civil laws in behalf of a transformation of the prevailing practice in the state and in worship." I must say at once that it seems to me a very difficult idea that in the seventh century such a reform in the civil and municipal sphere should have been combined with one planned in the sphere of religion and worship. If such abuses existed as are described in 2 Kings xxii. and foll., and Deut. had for its aim their abolition, everything else must of necessity have been put aside, and the laws which relate to civil reformation could scarcely have found a place beside those others. But if the whole life of the state and the citizen was equally regulated in Deut., then assuredly the observation of Delitzsch is appropriate (as above, No. 10) that Deut. xii.-xxvi. appears intelligible as an ideal sketch-like project for a people which is just about to become a state, but is on the other hand quite inadequate for a state centuries old. Deut. therefore will, in the first place, not fit in with the reformation of worship, on account of its inclusion of the civil sphere; and, on the other hand, the sketch-like character of the whole points to a much more ancient time.

But even if we were willing to admit that Deut. could have had so general an aim, and

could have carried it out, if it had originated in the seventh century, we ought at least to expect that all the instructions would bear an obvious relation to this aim ; as a matter of fact, however, we only find a whole series of laws which have no such relation, and therefore are, to say the least, superfluous, and, in the mind of reformers, unintelligible. On the other hand, the very instructions which should and did produce the reformation in worship are given quite differently from what we should expect. Let us begin with the later ones, for us the more important. We may connect this with what we proved above (§ 1, *a*). There we showed that the reference in 2 Kings xxii. and foll. was to the abolition of idolatry and to purification of worship, and that the concentration of worship, on the other hand, was an element absolutely introduced for the first time by criticism, or at any rate first brought into the foreground by it. We must therefore conclude that a book of laws which was written with a view to the production of the reformation of worship described in 2 Kings xxii. and foll. would have had to lay the whole emphasis on the prohibition of idolatry and the command of a pure worship, whereas the emphasising of united worship must have been a subject of quite remote interest, since Jerusalem was full of idolatry. That our contention is

28 ARE THE CRITICS RIGHT?

correct is clear from a comparison with the prophets who had to strive against the same religious abuses as appear in 2 Kings xxii. and foll. They declare war against idolatry (comp. *e.g.* Jer. iii. 6, 9, 13; xiii. 27; xvi. 16, 18; xvii. 2; ii. 20 and foll.; i. 10 and foll.; Ez. vi. 1-6; xviii. 6, 15; xx. 28 and foll.; xlv. 10 and foll.; viii.; xvi.; xxiii., and elsewhere). But nowhere does Jeremiah expressly demand that Jahwe shall be worshipped in Jerusalem only. Just as little does Ezekiel denounce the multiplicity of altars in itself (comp. Bredenkamp, as above, pp. 168-171). It must have been the same with Deut. if it had really originated for the purpose of abolishing the abuses described. As a matter of fact its point of view is quite different; here the demand for unity of worship does actually stand in the foreground; it is not necessary to quote particular passages, for this thought runs through the whole book from chap. xii. onwards; and it is the less necessary, as on this point we find ourselves in entire agreement with our opponents. But inasmuch as the idea of concentration of worship was only introduced into 2 Kings xxii. and foll. by criticism, or, at any rate, put in the foreground by it, and hence the artificially-created agreement between that narrative and the book of the law has really no existence, the most important support for the

modern view falls to the ground. I lay great stress upon this point in particular.

On the other hand, the prohibition of idolatry does also certainly appear in Deut. along with the command for unity of worship, but in a comparatively subordinate way, whereas, with the aim which is ascribed to Deut., it ought to have been in the very centre. And now let us observe, further, the method in which this idolatry is treated. If Deut. had really in view the abolition of the abuses described in 2 Kings xxii. and foll., was it conceivable that they should be treated as something entirely problematical and only likely to appear in the future (see Deut. xiii.)? was it then conceivable that the community should appear quite blameless on this point, so blameless that they could be entrusted with executive power against the transgressors (xiii. 1 and foll.; xvii. 2 and foll.)? and, finally, was it conceivable that, with the general spread of idolatry in the time of Josiah, the death punishment should be appointed for this offence, a punishment which certainly was only practicable so long as idolatry was confined to isolated cases?

In short, I hold it indeed as possible that the newly-discovered Deut. could effect the reformation of worship described in 2 Kings xxii. and foll., since it actually forbade everything which was then abolished; but I regard it as

Deut. aimed chiefly at unity of worship, and only in a slight degree at abolition of idolatry.

30 ARE THE CRITICS RIGHT?

absolutely impossible that a book of laws specially prepared for this reformation could be clothed in this form, so that (1) besides the reformation of worship, a transformation of the life of the citizen and the state was intended; so that (2) the principal subject in the book of laws (unity of worship) had little or nothing to do with that reformation; and so that (3) conversely, that which was the most important element in the reformation (abolition of idolatry) appeared only as a secondary feature in the book of laws.

Finally, let us note also the difference between Deut. xviii. 6 and foll. and 2 Kings xxiii. 9. Deut. xviii. 6 and foll. runs: "And if a Levite come from any of thy gates out of all Israel, where he sojourned, and come with all the desire of his mind unto the place which the Lord shall choose; then he shall minister in the name of the Lord his God, as all his brethren the Levites do, which stand there before the Lord. They shall have like portions to eat," etc. According to the modern view as to the origin of Deuteronomy, we must understand by the word "Levites" priests of high places, who, by the concentration of worship, would have lost their occupation and their means of support. Deut., which shows itself human throughout, would then grant as compensation, as it were, to these "hitherto country priests a right to the priestly service in the temple

and to the priestly dues" (Kautzsch, as above, p. 167). Yet this alone is sufficient to show the impossibility of the modern hypothesis. Deuteronomy may be as human as possible; but that it understands no trifling in religious matters we see from Deut. xiii. 1 and foll., where the seducers to idolatry and those who are seduced are to be put to death. How can it then concede that favour to the idolatrous priests—and those who were removed in 2 Kings xxii. and foll. were such—and in general provide expressly for the Levites (cf. Deut. xviii. 6 and foll.; xii. 12, 19; xiv. 27; xvi. 11, 14; xxvi. 11, 12 and foll.)? It is therefore inconceivable that those Levites mentioned in xviii. 6 were deposed priests of the high places; but then Deut. must necessarily belong to a different period.

Besides, Deut. xviii. 6, 7 would be in strict contradiction to 2 Kings xxii. 19. "Nevertheless the priests of the high places came not up to the altar of the Lord in Jerusalem, but they did eat of the unleavened bread among their brethren." Here that would be expressly forbidden to them, which was conceded to them in Deut. xviii. 6, 7. From this also it follows that Deut. cannot have been written in order to produce that reformation; it would be quite incomprehensible how Deut. xviii. 6, 7 could have been evaded, unless the priests of the high places had offered the most

32 ARE THE CRITICS RIGHT?

determined and successful resistance, appealing to Deut. xviii. 6, 7 (comp. Bredenkamp, as above, p. 135). Deut. xviii. 6 and foll. does not refer at all to the priests of the high places.

If we thus see that the commands of Deut. will not fit in at all with the aim assigned to it, on the other side we note that just in connexion with the supposed aim of Deut. an extensive legislation on worship and ritual might be expected; it is wanting, and, according to modern criticism, appears instead in a place where they had nothing to do with the question of public worship, *i.e.* in exile. Certainly this omission here again contradicts the modern date of Deut.

Individual
injunctions of
Deut.
contradict
later date.

(b) After the more essential discussions we remember also a number of individual injunctions which have no relation to the alleged plan of reform, and, therefore, remain inexplicable in view of the practical tendency of Deut. From the large number we select only a few of special importance, because the fundamental explanations already given seem to us quite convincing, and we prefer not to delay unnecessarily long over such details. We may refer any one who does not find enough here to Hävernicks (as above, p. 460 and foll.), Delitzsch (as above, No. 11), Kleinert (as above, Third Essay), and Schulz (as above, p. 72 and foll.), even though all the

TREATMENT OF CANAANITES 33

passages adduced by them are not conclusive. Whoever has been convinced by the above examinations even to a moderate extent, will not deny the significance and importance of such single passages for our inquiries.

On the assumption that Deut. was aiming at a transformation of existing circumstances, what is the meaning of the oft-recurring warning to exterminate the Canaanites, thus well marked at a time when as a people they had long ceased to exist and no longer possessed fortified towns, but at the most dwelt in the land as isolated settlers? True, it is answered that this occurs because at that very time an idolatry identical with, or resembling, the Canaanitish worship was being practised; this commands attention and is quite evident for the moment. But if we look a little closer, it is at once clear that this explanation is utterly insufficient. If it were correct, we should expect that a warning would only be given against the Canaanitish worship as is done in Deut. xii. 1 and foll. On the contrary, the warning, given with repeated emphasis and increasing vigour, that the Canaanitish people themselves are to be extirpated, remains unexplained, and appears, to say the least, superfluous, because in the seventh century what is here enjoined had been long since fulfilled. What is, in particular, the meaning of the words

Extermination
of the
Canaan-
ites.

34 ARE THE CRITICS RIGHT?

intended to reassure them in Deut. vii. 18 and foll., which are only intelligible if the readers or hearers of Deut. were afraid? What is the meaning, in the seventh century, of the command to exterminate the Canaanites gradually, with the noteworthy reason that the wild beasts would otherwise become too numerous (comp. vii. 22)? What, finally, is the meaning, in the seventh century, of the law (Deut. xx. 16 and foll.) which commands that on the conquest of the Canaanitish cities the interdict is to be scrupulously executed, and not a soul to be left alive, if there had been for a long time no Canaanitish cities left? If, then, it remains that this objection, already long brought forward against the modern date of Deut., has not hitherto been weakened, it must be that the authors are credited with quite a fabulous refinement in their work. The same may be said in the following instances.

Laws
about
going
forth
to war.

The passage last adduced is taken from the so-called laws of warfare (see especially xx. 1-15, xxiv. 5), in connection with which quite a series of thoughts arise, which are most decidedly opposed to the modern date. It is in the first place scarcely conceivable that in the beginning of the seventh century instructions should have been given as to how they were to act in besieging cities very far away from them, and this too outside Canaan (comp. xx. 10-15 with ver. 16); at that

time distant wars were the last thing they thought of. According as xx. 19 and foll. is understood to refer to Canaanitish or to foreign cities, these verses fall under the first or the second of the points just treated.

But if we actually assume in the seventh century such a lust for conquest, if we further assume that it was supported by the prophetically guided author of Deuteronomy, how are we to explain instructions such as xx. 5, 6, 7, 8, and xxiv. 5, that any one who has built a new house, planted a vineyard, who has been betrothed or newly married, nay, even every one who is faint-hearted, is not required to go forth to war? This is intelligible in the case of a people who still expect that after their immigration Jahwe himself will defend Israel and break all their enemies in pieces (comp. Ex. xxiii. 22 and foll, 27-31), but not any longer at a time when they must often enough have seen that the people could be abandoned to their enemies and become tributary to them, nay, even annihilated by them, as had happened a short time before to the northern kingdom through Asshur. How, finally, is it conceivable in the seventh century that the law (Deut. xx. 1-9) which treats of going forth to war could leave the king entirely unobserved and disregarded, and mentioned in his stead only priests and officers? It need not be objected

that in this case the Mosaic dress is put on; for that Deut. elsewhere thinks of the king is clearly proved by xxviii. 36 and xvii. 14 and foll. If, therefore, there had been already a king at the time of the origin of Deut., we should expect that the law which must concern him in the very first degree would have introduced him with some such formula as "the king who shall be in those days."

Reference
to the
Amalek-
ites proves
Deut. xxv.
earlier
than time
of Saul.

Further, we may refer to Deut. xxv. 17-19, where Israel is reminded of what the Amalekites did to them in the journey through the wilderness (comp. Ex. xvii. 8-15), and the duty of utterly blotting them out from the earth is forcibly inculcated. This instruction is quite inconceivable in the seventh century, because there were then no longer any Amalekites. We would have to go back with Deut. at least to the time of Hezekiah (727-699), under whose reign, according to 1 Chron. iv. 41-43, the last survivors of the Amalekites were annihilated by five hundred Simeonites. But even that would not suffice; for so miserable a remnant, which could be destroyed by five hundred men surrounding them, would not explain the solemn inculcation of the command in Deut. xxv. 17 and foll., which clearly assumes a people still in its vigour. But the Amalekites had already ceased to exist as a people since the time of David (see 1 Sam. xxx. 1, 17); nay, the

vengeance required in Deut. for that which Amalek had once done to Israel had been executed under Saul, who destroyed all the men of war (comp. 1 Sam. xv. 1-8, especially ver. 2, "I remember that which Amalek did to Israel, how he laid wait for him in the way, when he came up from Egypt," with Deut. xxv. 17). Deut. xxv. 17-19 must, therefore, be placed farther back even than the time of Saul.

A further consideration which makes the modern date impossible is the prophetic law xviii. 9 and foll. Deut. xxxiv. is generally held not to be by Moses, even by Hengstenberg, Hävernick and Köhler, because the death of Moses is here narrated. In ver. 10 of that chapter it is said: "There arose not a prophet since in Israel like unto Moses." If then Moses appeared to later times in such unattainable height, how could he be compared by the authors of Deut. to other prophets (comp. xviii. 15, 18, "The Lord thy God will raise up unto thee a prophet from the midst of thee, of thy brethren, like unto me; unto him shall ye hearken. . . . I will raise them up a prophet from among their brethren like unto thee")? It was precisely on comparing these words with Deut. xxxiv. 10 that they appeared to me as only modest utterances of Moses, but not intelligible in the mouths of others.

Absolutely inadequate and inappropriate for the

Deut. xviii.
9 and foll.
incon-
sistent
with later
date.

38 ARE THE CRITICS RIGHT ?

seventh century would be the sign given in Deut. xviii. 22, by which the false prophet is to be recognised: "When a prophet speaketh in the name of the Lord, if the thing follow not, nor come to pass, that is the thing which the Lord hath not spoken: the prophet hath spoken it presumptuously, thou shalt not be afraid of him." How is that possible at a time when prophecies of really genuine prophets had not been fulfilled, because Jahwe repented of his word and penitence took place; compare, for example, the threatening, Micah iii. 12, with Jer. xxvi. 18 and foll. How, above all, in the seventh century, could the false prophets be virtually described as those who prophesied evil (Deut. xviii. 22, "thou shalt not be afraid of him"), whereas the false prophets of that time prophesied good instead of evil (comp. 1 Kings xxii. 22 and foll.; Is. ix. 15; Jer. iv. 9, xiv. 14 and foll., xxiii. 16 and foll., xxix. 8 and foll.; Ez. xiii. 10, 16)?

Threats
of exile
in Deut.
inconsistent
with
later date.

Finally, we recall the way in which the exile is threatened (chap. xxviii. and foll.). In the seventh century the threatening would hardly have been pronounced in such general terms, inasmuch as Asshur, and since Isaiah's time Babel also, had come within the horizon of the prophets. But it would have been absolutely incomprehensible to threaten to bring the people back again into Egypt (xxviii. 68). Similarly the reference in the kingly

law (Deut. xvii. 16) is unintelligible at any other time than that of Moses ; for no king ever showed any desire to take the whole people back to Egypt in order to obtain many horses. The same is true of ver. 15 : " one from thy brethren shalt thou set king over thee ; thou mayst not put a foreigner over thee, which is not thy brother." There was never any idea in Judah of making a foreigner king. What then could be the meaning of such a law ? If, moreover, Deut. dated from the time of Josiah, if a king already existed at all, the few directions would be quite inadequate to lay down his duties. For other points compare Hengstenberg ("Authentic des Pentateuch," the third vol. of his *Beiträge*, pp. 246-261). Further, what object could there be in the seventh century in the instruction (xxvii. 1-8) to write the law upon stones and to set them up on Mount Ebal ?

We could continue in this way for a considerable time, but I think the instances I have cited are quite sufficient ; some of them would only be comprehensible if the Mosaic covering was carried out in the most skilful manner ; but the rest remain quite unintelligible even then, and therefore of necessity go much farther back.

Thus, then, this section has shown us how the modern view of the origin of Deut. breaks down in the contents also ; neither the fundamental ideas nor a series of particular commands agree with the

40 ARE THE CRITICS RIGHT?

narrative in 2 Kings xxii. and foll., and the aim attributed to Deut., or with the seventh century at all.

Distinct
traces of
Deut. in
existence
long
before
623 B.C.

6. We propose to prove in this section that before 623 distinct traces of Deut., or at any rate of the fundamental ideas represented in it, are already in existence which make it impossible, or improbable, to place its origin only a short time before its discovery. We pass by, in this connexion, the passages in the books of Kings in which the reign of particular kings is judged according to the principles laid down in Deuteronomy; for if the supposed constructor of Deuteronomy assumed that Deuteronomy was already known to the kings, he might judge them according to that standard, even though he should have been quite in error in his assumption. It is different with those passages in which particular actions are undertaken on the ground of the commands in Deuteronomy. To these we may appeal; for otherwise the editor of Deuteronomy would not judge on Deuteronomic principles only, but would simply invent. That this makes a great difference is clear; unfortunately it has not often been observed on the side of criticism, and the critics have not shrunk from crediting the author of Deuteronomy with such construction and invention of history. We refrain from entering on the objectionableness of such a mode of

HEZEKIAH AND MOSAIC LAW 41

conduct, and only remind our readers that we then lose at once the slightest possibility of knowing anything at all of the history of Israel. Here also they cut away the branch on which they sit; for the Deuteronomist could have invented the narrative in 2 Kings xxii. and foll. which is attributed to him just as well as other incidents which suited his view of history. For this reason Eichthal (*Mélanges de critique biblique*, Paris, 1886) and Vernes (*Une nouvelle hypothèse sur la composition et l'origine deuteronomique. Examen des vues de M. G. Eichthal*, Paris, 1887), who regard Deut., in spite of the narrative in 2 Kings xxii. and foll., as post-exilic, can rightly claim to be consistent. After this preliminary remark let us pass on to the passages themselves.

2 Kings xviii. 4-6 runs thus: "He (Hezekiah) removed the high places, and brake the images and cut down the groves, and brake in pieces the brazen serpent that Moses had made; for unto those days the children of Israel did burn incense to it; and he called it Nehushtan. He trusted in the Lord God of Israel; so that after him was none like him among all the kings of Judah, nor any that were before him. For he clave to the Lord and departed not from following him, and kept his commandments, which the Lord commanded Moses." And in ver. 22, Rabshakeh, the general of the Assyrian king Sennacherib, says to

42 ARE THE CRITICS RIGHT ?

the representatives of Hezekiah : " But if ye say unto me, We trust in the Lord our God ; is it not he whose high places and whose altars Hezekiah hath taken away, and hath said to Judah and Jerusalem, Ye shall worship before *this* altar in Jerusalem ? " True, this very verse is appealed to in order to prove that the reformation of worship under Hezekiah was an arbitrary one, and not produced by Divine command (comp. Kuenen, as above, i. p. 205, § 2 ; and Steuernagel, *Die Entstehung des deuteronomischen Gesetzes*, p. 81 and foll.). But how can they then insist that Rabshakeh, to whom the destruction of the high places and the altars of Jahwe must have appeared repugnant in the sight of God, since as a heathen he could have no appreciation of the demand for unity of worship, must have expressly added that Hezekiah had acted according to the Divine command ? But what was not only unnecessary but impossible in the mouth of Rabshakeh is clearly enough stated in vers. 4-6. This is admitted even by Steuernagel.

But when the historicity of that reformation of worship at all is called in question (as by Smend, Stade, and Wellhausen), they cannot argue from the fact that it was not permanent ; it was not a whit better with the reformation of Josiah (comp. Jer. iii. 10 ; Ez. viii.), and Wellhausen himself says (as above, p. 28), " If the people of Judah

had remained quietly in their own land, the reformation of Josiah would hardly have penetrated among the people because the threads which bound the present to the past were too strong"; the best and most striking proof, besides, that even in the view of Wellhausen himself Deut., even though it be supposed to have originated in the seventh century, does not agree at all, or only very superficially, with the history! If it is pointed out that the narrative in 2 Kings xxii. and foll. goes so much more into detail, and that the reformation of Josiah made so much more noise (Wellhausen), this proves nothing, but is quite in agreement with the fact that in 2 Kings xviii. the question was indeed the purification of worship, but for the rest, the abolition of the worship of Jahwe in the high places; whereas in 2 Kings xxii. and foll. it was the abolition of actual idolatry (see above); compare 2 Kings xviii. 4 with ver. 22, and the difference between the two reformations also according to the reports of the chronicler, 2 Chron. xxx. 14, xxxi. 1 in contrast with 2 Chron. xxxiv. 24 and foll. From these it is further evident that the reformation under Josiah was naturally a quite specially notable event on account of the sudden discovery of the book of the law. Moreover, no one knows how the Deuteronomist could have come to ascribe a reformation to Hezekiah; perhaps because he

44 ARE THE CRITICS RIGHT?

was pious? But then he surely must have narrated other reformatations for us!

If then we have no reason to dispute the historicity of that event, it is on the other hand pure caprice to regard it—in contrast with the narrative in 2 Kings xviii.—as the presupposition for the Deuteronomic legislation instead of as the consequence of it (in opposition to Steuernagel and Kuenen); this can certainly not be proved, and it seems to me on historical grounds quite preposterous to take out of a narrative what suits ourselves, and on the other hand to reject other points on which the former seems to depend. The same manœuvre could be carried out, besides, in the case of 2 Kings xxii. and foll. Here the alternative holds good: either the narrative is historical, and we have no reason to doubt it, and then we have a clear trace of Deuteronomy; or it was invented by the Deuteronomist, and then we may fairly question also the historicity of 2 Kings xxii. and foll., in which case the secure starting-point of modern criticism would disappear!

A second passage, 2 Kings xiv. 6, runs: "But the children of the murderers he (Amaziah, king of Judah, 797-779) slew not; according to that which is written in the law of Moses, wherein the Lord commanded, saying, The fathers shall not be put to death for the children, nor the children be put to death for the fathers; but

every man shall be put to death for his own sin." Here also it is narrated that the king was influenced by Deut. (see xxiv. 16) not to execute whole families of the murderers of his father, but to limit himself to the actual criminals.

Similarly Jos. viii. 30 and foll. may be compared, where the command given in Deut. xxvii. 1 and foll., to write the Deuteronomic book of the law upon stones and to set them up on Mount Ebal, is carried out.

Amos and Hosea, too, must have known Deut.; thus the expression (Hos. iv. 4) "thy people are as they that strive with the priest" is scarcely intelligible without acquaintance with Deut. xvii. 12. Similarly the reproach against the priests in Hos. iv. 14 who sacrifice with harlots presupposes the instruction of Deut. xxiii. 18; and the expression in Hos. v. 10, "the princes of Judah were like them that remove the bound," the law of Deut. xix. 14.¹ Amos iv. 4 can only be properly understood if it contains an amplification of the command in Deut. xiv. 28. We will content ourselves with these instances; it is clear from them not only that Deut. was already in existence at the time of Hosea and Amos but that it had authoritative force

¹ It may be remarked by the way that it is absolutely incomprehensible how this passage can be adduced against Mosaic authorship; if Moses wanted to give this instruction as permanently binding on the people, he could not have formulated it better.

46 ARE THE CRITICS RIGHT?

even before the division of the kingdom; for otherwise, in view of the opposition to Judah, it would never have been accepted in the northern kingdom and would have been quite unknown there.

But we must go farther back. It is maintained, indeed, that by the place "which the Lord shall choose to cause his name to dwell there" (see Deut. xii. 11, 14, etc.) Jerusalem is meant, and that it was just before the building of the temple that it made its demand for unity of worship. So far as may be meant thereby that Deut. drops its Mosaic dress, we have already spoken on that subject (see p. 24). In support of this, appeal cannot be made to the clause "when he giveth you rest from all your enemies round about" (Deut. xii. 10), which necessarily presupposes the time of Solomon. Certainly Solomon wants to build a house for God, because he had given him rest on every side (see 1 Kings v. 4 and foll.). But Israel was also to wreak vengeance on Amalek and destroy it only when the Lord had given them rest from all their enemies round about (Deut. xxv. 17-19), and this command was already executed by Saul, and therefore long before the building of the temple (see 1 Sam. xv. 1-8, esp. ver. 2)! We have, besides, Jeremiah on our side, for he plainly says (chap. vii. 12) that Jahwe set his name in Shiloh before

the choice of Jerusalem. According to him, therefore, the central sanctuary of Deut. already existed there, and we have every reason to put more confidence in him, since he was in closer relation to the history and tradition of his people, and could and must have fuller knowledge of it than modern criticism could have. Besides, his view is confirmed by the historical narratives, 1 Sam. i.-iii., where Shiloh actually appears as the central sanctuary. Not only does Elkanah the Ephraimite betake himself there year by year, in order to pray and offer sacrifice (1 Sam. i. 3), but all the Israelites come there to offer sacrifice (chap. ii. 14) and the sons of Eli transgressed against all Israel (ii. 22, 23). The ark of the covenant was there, the palladium of the whole people, which assured them of the presence of Jahwe (see chap. iii. 3, iv. 3, and also Judges xxi. 19).

Thus from the combination of Jer. vii. 12 with the history it follows that the Deuteronomic requirement of a central sanctuary was already in force at the time of the Judges. But the idea of unity of worship has nothing doubtful or difficult in it even at the time of Moses, even if Moses had given Israel nothing further than its national Deity. And conversely, criticism does not succeed in discovering elements the operation of which must have led in the seventh century to the concentration of

worship. The reference to the deliverance of Jerusalem from the danger threatening it through Sennacherib is absolutely incorrect. If Jerusalem was saved although Jahwe was worshipped at various places, that was surely the best proof that Jahwe was satisfied with the prevailing conditions. The concentration of worship at Jerusalem must lie the farther away from the time of Manasseh, Amon and Josiah, as Jerusalem was a very seat of idolatry and nature-worship (comp. Köhler, as above, iii. 157, note 1).

Modern criticism, indeed, takes much credit to itself for showing the development of religion; but very erroneously. According to it we cannot speak of a development the result of which, in principle, was in existence from the beginning and therefore really necessary, but only of the tricks of history which are brought about by accidents. So here. Deut. xii. compared with Ex. xx. 24 signifies no development, but a revolution the result of which, it is alleged, was in no way prepared for, and which was as foreign to and out of sympathy with the spirit of the people as, according to the Biblical view, the legislation once given by Moses had been. So far, modern criticism shows no advance on the Biblical view; but the latter has an important advantage over it; according to it there is really a development, namely, in the understanding of

the revelation ; the people are led by their history more and more to acknowledge those laws (on this point see especially J. Robertson's volume).

If we say that Deut. in its fundamental ideas must be Mosaic, we do not of course mean that particular laws could not have been incorporated later on ; this would have to be the subject of further inquiries. If it should then be found that individual laws indicate a later time, this we could calmly recognise. It can prove nothing against the whole. The difficulties are not solved by the acceptance of modern criticism, but insoluble riddles are then indeed created.

Finally, we adduce here one more passage, which is an argument for the great antiquity of Deut.—Judges xvii. and foll. There the Ephraimite Micah has appointed one of his sons as his priest for his domestic worship. A wandering Levite casually arrives there. Micah detains him, appoints him as his priest and says (Judges xvii. 13), "Now know I that the Lord will do me good, seeing I have a Levite to my priest." How would that be possible, if even in the decaying time of the judges there was not still at least the remembrance that Levi was appointed to the priestly office? This too points to the Mosaic origin of Deut. (comp. Deut. x. 8 and foll., xviii. 1-8, xxxiii. 8-11).

As it is not our work here to discuss the

50 ARE THE CRITICS RIGHT?

further evidence for and against the Mosaic origin, we may refer to Hengstenberg, Hävernick and Schulz, and also to Kleinert. That, in particular, the prophets presuppose the unity of worship, and that those who preceded the reformation of worship differ in no respect from those who came after it, has been unanswerably shown by Bredenkamp in the third chapter of his book (*Ort des Kultus*, pp. 139-171).

For the rest, we shall come once more, in the next section, to speak of the modern treatment of traces of the law in the history.

On the
critical
theory,
Deut. is
a pious
fraud.

By way of appendix we must add a few words in explanation of the pious fraud. Many of the modern critics unreservedly admit that, according to their view of the origin of Deut., an act of deceit would be in question. Others plainly are very anxious to remove the idea of deceit; they are more dangerous, because they thus do away with the chief objection to modern criticism on the part of many. It is therefore the more requisite for us to produce clearness on this point, and to show that here there is exhibited nothing but a well-meant self-deception. Thus Kautzsch, for example, says (p. 168): "The conclusion that this (the original Deuteronomy) is a work of deception, overlooks one long recognised fact. In reference to speeches which are put in the mouths

of older authorities, the idea of literary ownership is utterly foreign to the Old Testament writers, as to the ancient world generally. Only let the conviction once appear justified that what is proposed is in accordance with the thought and spirit of that more ancient authority, and it is also justifiable to speak in its name. This holds good of the original Deuteronomy as well as of the so-called Priestly Code, which in innumerable passages introduces Moses as speaking, in the same way as a Solomon is represented by the 'Preacher' as testifying to the vanity of all things."¹

On this we may remark that, in the first place, the question here is not merely of a pleasing speech, such as perhaps a Thucydides or a Livy, according to circumstances, put in the mouth of their heroes, but of introducing a legislation which was intended to strike deep into the life, but could not do it without a Mosaic cloak (comp. p. 24). The parallel, therefore, does not hold. Secondly, in view of the fact that the Book of the Covenant—recognised as Mosaic in the seventh century, even according to the critics, and used by Deut.—permitted, according to modern exegesis, the multiplicity of altars expressly in the name of Moses, the authors of D could not entertain the conviction that what was proposed was

¹ Similarly Professor Driver, *Deuteronomy*, Introd. pp. lvii.-lxii.
—TRANS.

52 ARE THE CRITICS RIGHT?

in accordance with the thought and spirit of Moses. On both grounds the comparison with "the Preacher" is also quite inappropriate.¹ In the latter case it was really, comparatively, a matter of indifference whether Solomon was the author or not. But for the carrying out and fulfilment of Deut. everything depended on whether Moses was the author or not. Only in the former case would the people submit (comp. §§ 3 and 4). Therefore the covering must in this case have been carried so far that, entirely for the purpose of deception, a multitude of individual laws (of which we have only cited a few) should have been put forward which had not the slightest agreement with the practical purpose of Deut. (comp. § 5, *b*). We should then have to do here with a deception of unparalleled cleverness. Whoever accepts the modern view must take this into the bargain. We will therefore proceed in the purely historical method, and leave the dogmatic decision to each individual. It might of course be questioned whether from the historical standpoint alone it can appear correct to attribute to people who introduced and represented the highest religious and ethical ideas such a deception at the same time, unless we have the evidence for it in our hands in black and white.

¹ For the reasons given it is also clear that an appeal to the pseudonymous apocalyptic literature does not hold good; for the circumstances of Deut. are quite different.

Here we break off our inquiry and only sum up **Summary.** in conclusion the result which has been arrived at.

The narrative in 2 Kings xxii. and foll. showed us that the earlier origin of Deut. is to be accepted not only as possible but even as necessary (§ 1); further, that in the reformation of worship under Josiah the movement was not at all, or at least not mainly, for the concentration of worship, but for the abolition of idolatry in and around Jerusalem; when with this we compared Deut. it was clear that the latter put the unity of worship in the very foreground, whilst the prohibition of idolatry had only a subsidiary importance in comparison with it, so that here also the impossibility of the modern view followed, according to which Deut. was produced with a view to that reformation (§ 5, *a*); to the same conclusion we were led by a mass of individual instructions, which are not at all suited to the seventh century, and would only be possible on the assumption of the most skilful deception, but would in part remain even then unexplained (§ 5, *b*). The modern view broke down further, as soon as we tried to picture to ourselves the origin of Deut. and asked after the author; the critics, in mutual contradiction, here discovered their weaknesses (§ 2). With the modern view, moreover, the Mosaic disguise (§ 3) and the result (§ 4) remained a puzzle, and finally the whole

54 ARE THE CRITICS RIGHT?

hypothesis was shown to be impossible by the traces which point much farther back (§ 6). To this we add that modern criticism has not succeeded in proving an actual development (comp. under § 6) or in showing the alleged agreement between law and history for Deut. in the pre-exilic history from Josiah on, apart from the year 623. All these arguments taken together must have demonstrated the untenability of the now almost universal placing of Deut. in the seventh century.

At the same time we have already obtained some material for the criticism of the modern critical methods:—

(a) If a law is generally transgressed, and therefore is quite out of sympathy with the popular mind, this is by no means evidence of a later origin; otherwise Deut. and the Books of the Covenant would have to be post-exilic.

(b) A law accepted as Mosaic may remain disregarded even by the most devout, without its non-existence at the particular time having to be deduced; otherwise the Books of the Covenant calmly violated by the pious king must only have originated after 623 (see § 1, b).

(c) A law which has formerly been in operation may disappear without a single trace, as the fate of Deut. shows (see the whole discussion).

(d) It is an arbitrary modern principle, and for criticism itself a dangerous one, that the later compilers of historical books not merely judge history one-sidedly, but invent it. For this principle could be applied to 2 Kings ii. and foll. and other narratives accepted by criticism, and then we have no longer any knowledge of Israelitish history at all. We must therefore either abandon this principle or renounce the idea of constructing a history of Israel.

Thus far our negative result, with which here we are principally concerned. For a positive construction this much has at the same time resulted, that every theory must break down at the very outset which does not attribute to Moses at least the essential kernel of Deut. (see §§ 3, 4, 5 *b*, 6); whether more is to be maintained must be left to further inquiries.

II. *Criticism of the Modern Dating of the Priestly Code*

A. CRITICISM OF THE MODERN RESULT

We hope that we have demonstrated this much by the preceding discussion, that the greatest difficulties lie in the way of the now almost universally accepted date of Deut., and this conclusion of ours is especially important to us

56 ARE THE CRITICS RIGHT?

as here for the first time the dazzling and alluring correspondence between law and history is proved to be mere outward show, it being, moreover, once more emphasised that even according to the modern view it was only quite superficial (see p. 43). We proceed now to point out the same discrepancy for the Priestly Code (P or PC) and the exilic or post-exilic date attributed to it.

The law
as read by
Ezra (Neh.
viii.-x.).

1. Here also we have in Neh. viii.-x. a *firm starting-point*. We find ourselves in the year 444. Ezra is requested by the people to bring the book of the law; he reads it before the assembled congregation, whilst the Levites add their instructions. The people are troubled, but are appeased by the Levites. In the following days there is observed, for the first time since the days of Joshua, the feast of tabernacles commanded in the book of the law exactly as it was prescribed, whilst the reading continues, and finally they enter into a covenant, after a long confession of sin, in which the whole history of Israel is recapitulated. We see, therefore, that the course of events is in many respects similar to the familiar one of the year 623, and that, accordingly, analogous conclusions follow from the outset. When in Neh. viii. the request comes from the people to bring the book of the law of Moses, we certainly get the impression from viii. 8 and foll., and generally from the whole

narrative, that the contents of this book of the law were substantially new to the people. We are again, therefore, able to agree entirely with Kautzsch (p. 194) when he says: "In the highly interesting original narrative of the introduction of the new law (Neh. viii.-x.) there is a twofold assumption: first (viii. 1), that the book of the law had hitherto been kept only by Ezra and therefore had been brought by him from Babylon; and secondly, that the contents were up till then quite unknown to the people." As, however, from the fact that Deut. was regarded in 2 Kings xxii. and foll. as something unknown, the conclusion was drawn that Deut. could only have originated a short time before, so a corresponding conclusion is now drawn for P from Neh. viii.-x. So Wellhausen, for example, says (as above, p. 415): "It is obvious that we have in Neh. viii.-x. an exact parallel to 2 Kings xxii., xxiii. Especially to xxiii. 1-3: Josiah caused all the elders of Judah and Jerusalem to be gathered, and went up with the men of Judah and the inhabitants of Jerusalem, with the priests and prophets and all the people, both small and great, to the house of the Lord. There he read to the people all the words of the book of the law and made a covenant with all the people before the Lord to keep all the words of this book. Just as it is attested that Deuteronomy, made known

58 ARE THE CRITICS RIGHT?

in the year 621, was till then unknown, precisely in the same way is it attested that the other Thora of the Pentateuch—for it is certain from Neh. ix., x. 29 and foll. that Ezra's book of the law was the whole Pentateuch—which became known in the second half of the fifth century, was until then unknown. It is first of all indisputably clear that Deuteronomy was the first, and the Priestly Thora the second, stage of the legislation. But, further, the same conclusion as to the date of the origin of Deuteronomy which is usually drawn from its publication and introduction by Josiah, must be drawn regarding the date of the origin of the Priestly Code from its publication and introduction by Ezra and Nehemiah."

Now, assuming that all was here in order, any one who follows our previous discussions would come to the converse analogous conclusion:—Just as Deut., notwithstanding the narrative in 2 Kings xxii. and foll. not only may, but must be older, in the same way the book of the law referred to in Neh. viii.-x. may at least belong to another time than the exilic and post-exilic, although its contents were regarded as something new. But even one who has not been convinced by our criticism of the modern placing of Deuteronomy, will at least have to admit that the circumstances in Neh. viii.-x. are essentially different from those of 2 Kings xxii. and foll.,

as soon as it is admitted that then not merely the Priestly Code, but the whole Pentateuch, was published. This is Wellhausen's view (see the quotation above¹); but it is most strenuously opposed by almost all modern critics, so that we do not here finish the inquiry as to what was the scope of that book of the law. The result is of the greatest importance, and is again quite sufficient by itself to disclose the untenableness of the Graf-Wellhausen hypothesis; only the critics, differing as they do on this important point, have relieved us of the task and have mutually revealed the weaknesses of their positions, so as to free us once more from the reproach of dogmatic prejudice (see pp. 14, 15).

Wellhausen, to whom the whole hypothesis owes its name, is therefore of opinion that in Neh. viii.-x. the whole Pentateuch is meant and is read aloud, and says in his fourth edition of 1895, in spite of the contradiction of his followers, that this admits of no doubt at all. I associate myself entirely with his reasons. For that the Priestly Code is certainly not sufficient is clear to every unprejudiced person from the historical description of chap. ix., but above all from Neh. x. 29 and foll., where the allegiance to the law of Moses is specified. Thus, according to the modern dis-

¹ "It is certain that Ezra's book of the law was the whole Pentateuch."

60 ARE THE CRITICS RIGHT?

tion of sources, there is found in P no law (not even Num. xxxiii. 51 and foll.) which forbids alliance with the inhabitants of the land ; perhaps however, in Ex. xxxiv. 11-16 (J), and in Deut., e.g. vii. 2 and foll.—comp. Neh. x. 30. Similarly there is lacking in P any command which is covered by Neh. x. 31 (“And that we would leave [the land fallow] the seventh year, and the exaction of every debt”); comp., on the other hand, Deut. xv. 2 for the form Ex. xxiii. 11. The prohibition (Neh. xiii. 1) “that the Ammonite and the Moabite should not come into the congregation of God for ever” was, according to the same verse, found written in the book of Moses ; but it only exists in Deut. xxiii. 3-6, and not in the Priestly Code. (Criticism, it is true, ascribes this passage to the writer of Chronicles.) “Since, further, the law read aloud by Ezra and then sworn to is throughout described by the formulas of Deuteronomy (. . . מִצְוֹת מִשְׁפָּטִים וְחֻקִּים, Neh. x. 29), it cannot admit of the least doubt that Ezra’s book of the law contained not merely the priestly, but also the Deuteronomic portion of the Pentateuch together with Ex. xx.-xxiii. 34, *i.e.* that it was just the complete Pentateuch” (Dillmann, as above, p. 672). We agree therefore with Wellhausen on this point. Then there results this much in the first place, that the argument from analogy referred to above

is not a true argument from analogy ; for otherwise, from the fact that in Nehemiah viii.-x. the people hear something new, it would follow that the whole Pentateuch must have originated only a short time before 444. This, therefore, is rather the result: from the fact that the law in Neh. viii.-x. was unknown to the people, it is not to be inferred that it had never been known, but only that it had become unknown. But that which must necessarily be assumed for the rest of the Pentateuch, apart from the Priestly Code, is possible for it also.

These are the necessary consequences which follow from the assumptions of Wellhausen, but which naturally must seem to him very uncongenial. For here it would be proved for the second time that writings acknowledged even by criticism as of canonical authority could be absolutely unknown to the people, or at least disregarded by them (the first case is that of the Books of the Covenant in the year 623, see pp. 7-10). Wellhausen, in the quotation given above, makes an entirely arbitrary attempt to escape from this consequence. He simply assumes that it was not the whole Pentateuch, but only the Priestly Code, that was new to the people. But according to the narrative in Neh. viii.-x., it is quite unjustifiable to suggest such a separation. From it we receive the impression throughout that in essential points everything was

62 ARE THE CRITICS RIGHT?

new to the people; even if, perchance, certain details were known to them, it is arbitrary and a *petitio principii* to exclude from these the requirements of PC and, conversely, to limit to PC that which was new to the people. If, therefore, the conclusions reached above are irrefutable, we see in them a confirmation for the result of our inquiry above about D. If it is clear here that the whole Pentateuch was unknown to the people in Neh. viii.-x., although even according to criticism J and E and D had been long in existence, so from the fact of D being unknown in the year 623 it is not to be concluded that it did not exist and have authority at an earlier date.

But, passing from this for the present, there now arises in connection with Wellhausen's view of the origin of PC an enormous difficulty, which almost all other critics, *e.g.* Reuss, Kayser, Kautzsch, quite rightly point out. Thus the last-named says (as above, p. 194): "The formerly predominant assumption that Ezra's book of the law was the whole Pentateuch is quite impossible," and Kayser (*Jahrbuch für prakt. Theol.* 1881, p. 520 and foll.) states that the converse "supplement hypothesis," according to which PC was inserted in the Pentateuch by Ezra, is even more untenable than the old one. And why? If it is an unlikely assumption that the priests, who were specially interested in the

publication of P, should at all have published along with it other laws which had no relation to PC, it is quite impossible, and not merely "doubtful and highly improbable" (Cornill, as above, p. 67), to believe that they should have received laws directly opposed to PC, such as, according to the view of modern critics, are contained in the two Books of the Covenant, Ex. xx.-xxiii. 34, and Deut. Or are we actually to suppose that the priests, who had just restored with much trouble the PC, and assume therein the unity of worship, published at the same time an enactment such as appears in Ex. xx. 24, which according to criticism itself flatly contradicts that assumption? Is it conceivable that the priests would place on a par with the laws in which such numerous sources of income had been assured to them, the Deuteronomic laws which promised them so much less? Or is it quite conceivable that the persons who had just secured to themselves the exclusive prerogative of the priesthood as against the Levites, would ever have agreed that at that very time Deut., in which that prerogative belonged to all Levites, should be read aloud along with it and regarded as canonical? They would certainly have had to reckon with the fact that the people, that the Levites, in opposition to the priests, would appeal, in case of all enactments disagreeable to them,

64 ARE THE CRITICS RIGHT?

to the laws which, even according to modern criticism, had long been regarded as Mosaic and authoritative. Therefore it is a sheer impossibility that the priests, in case they were the authors of PC, should recognise as their standard Deut. and the Books of the Covenant, and impose them upon the people, at the same time as PC. We have only adduced a few instances which might be increased at will; I think, however, that they will suffice to show the untenableness of the modern hypothesis in Wellhausen's form. It has, moreover, not been possible to evade the force of these arguments. Bredenkamp's prediction (as above, p. 10) that the Reuss-Kayser standpoint will prevail has come true. So far as I can see, Wellhausen stands almost in isolation in his view; his school has not followed him on this point.

And yet still more weighty reasons tell against the modern hypothesis as conceived by Reuss, Kayser, Cornill, and Kautzsch than as it is held by Wellhausen. Against them the narrative of Neh. viii.-x. is decisive. This, as we saw (see pp. 59, 60), simply excludes the view according to which the book of the law published by Ezra was only the PC. For as we have here only an "original narrative" (Kautzsch, p. 194) before us, any further words are really superfluous and unnecessary. This view has against it the sources

EZRA'S LAW MORE THAN PC 65

recognised by itself as suitable and genuine. But it is also untenable in itself. If it is assumed that the laws previously acknowledged as Mosaic (the Books of the Covenant and D) were still familiar to the people and of authority in 444—and that is the opinion of those critics—then PC could not at all become effectual, on account of the contradictions touched on above; no advantage therefore is gained against Wellhausen by this view. If, however, we were to assume that the Book of the Covenant and Deut. had in the year 444 passed into oblivion, then the hindrance to the introduction of PC would, it is true, be removed for the moment; but the difficulty with which Wellhausen is charged, and which at an earlier point (444 itself) had been happily avoided, would return at a later point, in somewhat altered form but with increased force, namely, when the lost books were again discovered and introduced.

We have not, I think, maintained too much, when we said that on this question alone the modern hypothesis must break down.

Wellhausen's view, according to which it is the Pentateuch that is promulgated in Neh. viii.-x., is indeed true to that narrative, but is impossible, because the authors of PC could not publish at the same time with it other laws contradicting and abrogating it.

66 ARE THE CRITICS RIGHT?

The view shared by most of the critics, according to which it was only the Priestly Code that was promulgated in Neh. viii.-x., is on the face of it untenable, for it contradicts the narrative acknowledged as "original," and is besides as impossible in itself as that of Wellhausen. But the difficulties on both sides, according to the judgment of the critics themselves, are so enormous, that I see no other course open to them than to give up the Graf-Wellhausen hypothesis that PC did not originate until the exile.

The
Priestly
Code itself
contra-
dicts, by
its aim,
the later
date.

2. We reach the same result if we consider the Priestly Code itself, and try to picture to ourselves its *aim*, its *arrangement*, its *result* and its *origin*, according to the assumptions of modern criticism.

It is necessary in the first place to be quite clear as to what the authors of PC, according to modern criticism, *aimed at*, so much the more as the critics themselves on this point often make use of vague and obscure expressions. Did the authors in their work live in the past, and had they therefore a theoretical, historical, archæological interest in it, or did they expect by the statement of quite new ideals and standards to produce an effect upon the future? Did they only want to codify what they had already put into practice in order to rescue from oblivion the usages of worship, perhaps also to comfort them-

selves for the sorrowful present in this occupation—certainly a strange comfort!—or had they in view the setting forth, in opposition to the past, of a programme new in all essential points, which should be carried out, in order the better to save Israel in the future from the anger of their God which they had to experience in the exile? Many expressions of criticism sound as if the former were meant. We only quote some statements of Wellhausen. Thus on page 60: "So long as sacrificial worship was the practice, it was zealously carried out, but they did not trouble themselves about it theoretically, and had no inducement to put it into book form. Now, however, the temple was destroyed, sacrificial worship at an end, the priestly order out of employment; it is conceivable that the sacred practice of the past would now be made the subject of theory and of writing, in order that it should not be lost; and that a banished priest (Ezekiel) should make a beginning by drawing the picture of it which he carried in his memory, and to publishing it as a programme for the future restoration of the theocracy." On p. 412 we read: "Now that the temple was destroyed and God's worship interrupted, the practice of the past must be depicted if it was not to be lost." Finally, a note on p. 413: "It must often happen that the traditional practice is first committed to writing when it is threatening

68 ARE THE CRITICS RIGHT ?

to die out, and that a book is, so to speak, the ghost of a departed life."

On this we remark that if it were really capable of proof, which, in company with Dillmann and others, we dispute, that the laws of worship were not written down before the exile, but had only propagated themselves from the beginning by practice and oral tradition ; if, on the other hand, P was really in essential points only the codification of the now extinct practice, we might continue to wonder that the laws had not been sooner written down in order to rescue them from misuse and caprice ; but for the rest we should not dispute the possibility and admissibility of this view. But that is not by any means the meaning of criticism ; those sentences are misleading and obscure. How, otherwise, could Kautzsch, for example, say (as above, p. 194): "In Nehemiah viii.-x. it is plainly assumed that the contents were until then utterly unknown to the people" ; comp. also the quotation from Wellhausen on p. 57 and foll. If PC was really only for codification and systematising of the practice and the pre-exilic usages, then the cleavage which was formed by the exile was by no means so deep as it is elsewhere represented ; for, according to Wellhausen's usual methods of criticism, it should be possible to produce plain traces of this practice which, though not yet

reduced to book form in PC, was yet in substantial harmony with it, whereas he elsewhere lays all emphasis on the fact that the pre-exilic practice not merely does not correspond with P, but contradicts it at every step. If the pre-exilic history was such as Wellhausen and his school elsewhere represent, the codification of the enactments and usages which held good at that time must have had a very different appearance from PC. There could then have been found in the latter no tabernacle, no historical explanation of the feasts, no limitation of the priesthood to the descendants of Aaron.

We must therefore maintain that, according to the principles of modern criticism itself, the explanation of PC as being in historical interests is untenable. When codification and systematising of the pre-exilic practice are spoken of, these are phrases which must produce quite a false conception. This we must state the more unhesitatingly, as the Wellhausen hypothesis might appear the more admissible on account of this vagueness. In the recovery of PC, according to modern criticism, the process is not the codification of the past in the conservative or historical interest, but the presentation and execution of a new programme, though in details it might be linked on to older usages. They did not therefore reproduce, nor did they produce imaginative work

70 ARE THE CRITICS RIGHT?

at random, but they had quite a definite aim in view which they wished to reach, and did actually reach, as history attests. Here, too, it is assumed, as in the case of Deut., that the result of PC was its aim. They wanted, after the restoration, to preserve Israel from new guilt and punishment, by showing the people exactly how they should keep themselves holy, and therefore regulating the ritual in the minutest detail, and reducing it to a system.

But here again we must say that we regard the modern hypothesis as absolutely untenable. No lack of sacrifices was permitted by those belonging either to the northern or to the southern kingdom; this is clearly shown us by the polemic of the prophets against the sacrifice on the mere performance of which the people relied (comp., for example, Am. v. 18-27; Is. i. 11-15; Jer. vii. 21 and foll.). The lack was in justice and righteousness, and therefore they had to threaten the people with exile "in spite of the previous perfection of the sacrificial rites" (Köhler, iii. p. 527, note 2); history justified the prophets. How then in all the world could the priests have arrived at the idea of seeing now in the violation of the sacrificial rites the reason of the exile, and of beholding therefore the salvation of the world in an exact performance and strict fulfilment of these? Ezek. xl.-xlviii. need not be appealed to.

In the first place, we must not, in considering these last chapters of the prophet, forget the earlier ones. Where do we find in these a hint that Israel had brought upon itself the punishment of exile by defective performance of the sacrificial ritual? No; it was the religious falling away of Israel from its God that was made its reproach (comp., for example, chaps. xvi. and xxiii.). And just as little does Ezekiel see in the performance of outward worship a means of salvation in time of need; what he rather demands and promises is repentance (chaps. xviii. and xxxiii.), is the new heart of flesh and the new spirit (chap. xxxvi.).

And further, let it be observed, that the legislation of Ezekiel "is an integral element of a prophecy which refers equally to the future form of the temple, in which the worship demanded by Ezekiel shall be practised, and of the country in whose midst this temple is to be situated. Only if the Holy Land has experienced the transformation proclaimed by Ezekiel can the temple of Ezekiel be built in it (comp. xl. 2), and it is only if this is built that the worship described by him can be practised in it. The vision of Ezekiel xl.-xlvi. is therefore neither an adumbration of the past nor a rule of life which was to come into force at once after the return from the exile, and in the realisation of which Israel too was to take part from the moment that Jehovah should have

72 ARE THE CRITICS RIGHT ?

begun it by the transformation of the Holy Land" (Köhler, as above). Comp. especially in chap. xlvii. the temple river, and its wonderful effects.

To sum up, it remains inexplicable how the authors of PC in the exile could have arrived at the idea of being able, by propounding a ritual legislation, to assist the people to a conduct pleasing to God, and thereby to happiness and prosperity.

The
Priestly
Code not
at all
adapted
for the
purpose
assigned
to it by
the
critics.

3. In pursuing the inquiry it is most necessary to emphasise strongly the special aim which PC, according to criticism, is supposed to have had.

The priests wanted to put out a programme. They were not concerned, therefore, with an abstract system which was not intended to be introduced ; no, they aimed at the realisation of their ideas ; they hoped and intended, on the suitable opportunity after the exile, to introduce and carry out practically their programme, as actually happened in the period from 444 onwards. Now here certainly the *most unfavourable form conceivable* was chosen, so that we must wonder at the narrowness of the authors. The whole worship is placed in the closest relation with the imaginary tabernacle which was afterwards neither erected nor was its erection desired ; sacrifice must be offered in it alone. Of the temple, on the other hand, to the re-erection of which the hopes of the

prophets were directed (see Isaiah, Micah, and, above all ! Ezekiel xl.-xlviii.), and the building of which was afterwards most energetically urged by Haggai and Zechariah, there is not the slightest hint.

The whole worship on the day of atonement is concentrated at the ark of the covenant (Lev. xvi.), of the restoration of which, also, no one thought ; nay, they had in Jer. iii. 16 the express prophecy that in the restoration of the people it would neither be missed nor renewed.

The possibility of realising the whole worship and the hierarchical order would from the first depend on something non-existent, as Klostermann expresses it (as above, No. 7, law of the sanctuary and the camp ; No. 5, the date of origin). In other words, the special design of the authors to introduce their system into practical working is from the outset rendered illusory by their effort to give it an archaic appearance.

But their carelessness goes further. They must have been acquainted with Deut., and known that it was for a long time regarded as Mosaic. How could they then have set up another legislation as Mosaic in opposition to that which was recognised as the work of Moses, without making the slightest reference to the latter or even as much as hinting at an attempt at comparison between the differences and contradictions

74 ARE THE CRITICS RIGHT ?

of Deut. and PC, which are, according to modern criticism, so important? How could they clothe their laws in a form so divergent from the language of Deut.? How, above all, could they place PC before Deut. in point of time? Thus, surely, by the last enactment of Moses in Deut. all that they had so successfully smuggled in by Mosaic authority would be undone. For Deut. was regarded as the last will of the great lawgiver. If they had made Moses give PC after Deut. they could thus have easily avoided the difficulties; for they could then have adapted the worship not to the wandering in the wilderness but to the time after the immigration, and thus linked it not to a portable sanctuary, but to a temple; they could find an explanation for the possible differences from Deut., and yet with all this they would have attained what they desired—their ritual legislation would go under the authority of Moses.

But we must make up our minds to regard the authors as so short-sighted, if we are to hold to the modern hypothesis. That involves indeed a strong resolution; for these men otherwise appear in a quite different light. We may think what we like of the religious value of their Levitical laws, but the system which they are alleged to have discovered and set forth is certainly an imposing one, and does every credit to their intelligence. The simple, transparent, but great

fundamental ideas (God is the Lord of all space, of all time, of all property and of all life ; comp. Kautzsch, pp. 190-193), in their grand carrying out to the smallest detail, permit of any other conclusion rather than that the authors had such a restricted outlook, and Kautzsch himself speaks (as above, p. 193) of the "profound and delicate symbolism" of PC.

The modern hypothesis therefore compels us to picture to ourselves the authors of PC as such self-contradictory people that, on the one hand, they were capable of thinking out and constructing a system of such grandeur, and, on the other hand, incapable of clothing it in a suitable form, nay, so short-sighted that from the outset they rendered the realisation of their system, which specially concerned them, impossible by linking it on to something that was non-existent, and by the way in which they clothed it in Mosaic dress—again, in my opinion, weighty reason for the untenableness of the whole hypothesis.

4. But let us suppose for a moment that it were admissible, and that we might conceive of people at once so clever and so foolish ; and let us now inquire into the *result*. Then our astonishment and doubt must be increased rather than diminished. Klostermann is quite right when he shows that these authors of PC would have had quite

The result attributed to PC quite incredible on the critical theory.

76 ARE THE CRITICS RIGHT?

incredible success with their designs. We are to believe that the people, if they permitted themselves to be influenced at all by PC, had nothing more pressing to do than to carry out with precision its enactments—P at any rate required the most painful fulfilment even of the most trifling details—*i.e.* above all to undertake the erection of the tabernacle in accordance with the instructions given ; to neglect and abandon the newly-built temple, of which there is not the slightest mention, and after which PC was expressly excluded ;¹ and, further, to make an ark of the covenant.

But this does not all happen ; people hear as much of it as they ought to hear. The unskilfulness of the authors is made up for by the congenial intelligence of the people. And further, we have seen above how it was impossible for criticism to make credible and profitable the success of falsifying the history of Deuteronomy. But here is something still more impossible. Besides the sympathy of the people's intelligence with the enactments of PC, they are credited with a really more than naïve innocence, through which they allow themselves to be made fools of. They do not observe that here there is something totally new, which they are to regard as Mosaic.

¹ Comp. for example Lev. xvii. 1-7, where it is to be a statute for ever unto them throughout their generations to kill every sacrificial animal at the door of the tabernacle of the congregation, and to offer it there at the same time.

They observe nothing of the above-mentioned contradictions and differences—which according to criticism itself are so striking—between the present legislation, which is alleged to be also Mosaic, and the earlier one. They believe the entirely new picture of their early history and do not venture to utter the slightest doubt about it. The new legislation is naturalised without any conflict; and yet it could not be a matter of indifference to any one, for it made the highest demands on the time, money, and natural gifts of each individual, and must have made life as uncomfortable as possible. Or was the tendency to the Levitical system then in the air and in the spirit of the time, so that the incredible result was thus explained?

Well, if we consider the priests of that time, no one will be willing to maintain this. They dishonour Jahwe by impure offerings, they bring to Him blind, lame, and sick animals, they celebrate polluted festivals, as may be read in the prophet Malachi (i. 6-14; ii.). Malachi may be placed either shortly before or after 444. This much is clear, that the Jerusalem priests have not this Levitical tendency; and yet it should be expected of them chiefly.

Nor have the people this tendency; for they rob Jahwe in tithes and offerings (see Mal. iii. 8); they do not sanctify the Sabbath (Neh. xiii. 15

and foll.); they do not provide the portions of the Levites (Neh. xiii. 10 and foll.), although they have only just bound themselves to obey the new book of the law.

Nor do the historians of the exile, neither the authors of the books of Kings nor the Deuteronomist editors, show anything of the Levitical spirit. The books of Kings must otherwise have had a similar appearance to that of the Chronicles.

Or let us think of the prophets. Here, alongside of Ez. xl.-xlviii., Haggai, Zechariah and Malachi, which certainly bear a certain Levitical impress, we have Ez. i.-xxxix., Is. xl.-lxvi., and many passages from the earlier prophets, which criticism places in the exilic and post-exilic period, but which without exception breathe anything but a Levitical spirit.

In the same way we may think of the Psalter, which is now almost generally regarded as of this date. There, too, the Levitical tendency is almost utterly lacking.

Thus the result produced by the authors of PC remains a mystery. The people allow themselves to be duped, although they have to bear the injury, although they were not otherwise in the least inclined to Levitism, although it was surely so easy to detect the deception. At the same time, in accepting PC they do not take hold of it blindly, but feel, as it were instinctively,

PEOPLE'S ATTITUDE A PUZZLE 79

that the directions about the tabernacle (Ex. xxv.-xxxi. ; xxxv.-xl.) and about the ark of the covenant, with the existence of which the whole ritual legislation was connected, and the existence of which was presupposed for all generations, had better be neglected ; and so they select, with the congenial intelligence, what suits them.

As is well known, certain sections of PC are assumed as those in which we first find the law of holiness of Lev. xvii.-xxvi. Many now think that these different sections were made known at different times, and partly indeed before 444. On this we may remark that the more such promulgations are assumed, the more puzzling becomes the result ; for these different sections vary considerably from one another, and it is on account of these very variations that they are accepted. If, then, each of them nevertheless passes itself off as Mosaic, the people must have much more frequently allowed themselves to be pleased with these contradictions, without observing them or doubting their Mosaic origin. Therefore it has now been more and more resolved to assume the promulgation of all these various sections as taking place first in the year 444. Otherwise the starting-point of the critics would at once break down : the contents of that legislation could not have been utterly unknown to the people until 444 (comp. § 1 and Kautzsch, as above, p. 194).

80 ARE THE CRITICS RIGHT?

Kautzsch infers from Neh. viii. 13 and foll. that the very manner in which the feast of tabernacles is observed is regarded as something new, and that therefore the law of holiness, to which that enactment belongs (cf. Lev. xxiii. 40), was then published for the first time.¹ That, for the rest, Kautzsch's view exchanges a great disadvantage for a momentary advantage over others will appear later. Whether or not the difficulty which confronts criticism through the success of the authors of PC be greater for some than for others, it is in any case great enough to make the Graf-Wellhausen hypothesis impossible.

PC could
not have
originated
with such
authors
as the
critics
assume.

5. We saw that PC, as it is understood by criticism, was too improbable in its aim (§ 2), too foolish in its plan (§ 3), too incredible in its result (§ 4) for us to be able to regard the modern view as justified. It is also too full of contradiction in the *method of its origin*; this shall be shown in this section.

We cannot assume that some of the work of the priests was published in an underhand way before 444; the success would have been *a priori* impossible if the people had observed that PC

¹ That it is not therefore necessarily new follows incontrovertibly from the comparison with Neh. xiii. 1, where the Deuteronomic enactment (Deut. xxiii. 3-6) that no Ammonite or Moabite should belong to the congregation of God is introduced in quite analogous phrase: "it was found written in the law."

was not composed by Moses at all, but was then handled in its very origin. Moreover, its contents would not then have been "utterly unknown" to the people until 444 (Kautzsch, p. 194). For the same reason single parts and sections of PC could not have been promulgated before 444. Otherwise their contents would certainly not have been "utterly unknown" to the people; but, above all, the quite impossible success would have been still more impossible if it had been repeated on every new promulgation. A work in secret was therefore necessary, of which no one must learn anything before 444. But then we heard how many different hands, nay, how many different circles (Kautsch, p. 188), must have worked on PC. We must wonder all the more that of the work—requiring many years—of this circle, differing in so many ways among themselves, nothing should have come to light, and thus at one stroke exposed the whole deception and made its success *a priori* impossible.

How then are we further to think of this activity of the priests? I frankly confess that I cannot form any idea of it in keeping with the result which they achieved. What they aimed at was the system which we find in PC. This, apart from individual links with the past, was a pure invention, and yet they agreed so wonderfully in this invention that it is impossible that they could have worked independently of each other. They

82 ARE THE CRITICS RIGHT?

all have the tabernacle, they all have the great fundamental ideas, spoken of in § 3. But how are the divergences which are recognised and supposed (comp. Kautzsch, pp. 188 and 194) to be explained? How could they be overlooked, when, according to criticism, they are so obvious? The same people who are such clever systematisers and so united in the statement of the great fundamental ideas, in which they could so easily be of different opinions, these very persons are at the same time absolutely incapable of arranging smaller differences, which could easily lead the people to notice that it was impossible for Moses to be the author of such divergent views—differences, too, which must have made the people hostile. Why, for example, is the age for service of the Levites not uniformly prescribed, but now fixed at twenty-five, now at thirty years of age (comp. Num. viii. 24 and foll. with iv. 3, 23, 30, etc.)? Why in one place is the high-priest alone anointed (Ex. xxix. 7; Lev. viii. 12, xxi. 10), and in another all priests (Num. ii. 3; Ex. xxviii. 41, xxx. 30, xl. 15)? Why is the blood of the sin-offering in Lev. iv. 4-7, 14-17, brought into the holy place, and in Ex. xxix. 12, 14, and Lev. ix. 9, 15, to the horns of the altar of burnt-offering in the outer court?

The same want of systematic unity which is here shown in the inconsistency of enactments

appears also in diversity of form. It is clearly shown in the lack of strict order, the repetitions, the differently-worded introductory formulæ, the different statements as to those to whom the laws are addressed. (For the lack of order see the whole work; for the second point compare the laws as to feasts in Num. xxviii. with Lev. xxiii., or Ex. xxvii. 20 and foll. with Lev. xxiv. 1-4, the instructions regarding the holy lamp, or Ex. xxv. 30 with Lev. xxiv. 5 and foll., those about the shewbread, etc.; for the third and fourth points comp. Ex. xxv. 1, xxx. 11, 17; Lev. iv. 1, v. 14, vi. 1, 12, etc., "and Jahwe spake unto Moses, saying"; the same formula in Ex. xxxi. 12, only with *אמר* instead of *דבר*; Lev. i. 1, "and Jahwe called unto Moses and spake unto him out of the tabernacle of the congregation"; Lev. xi. 1, "And Jahwe spake unto *Moses and Aaron*, saying unto them"; Lev. xiii. 1, xiv. 33, xv. 1; Num. iv. 1, 17, "And Jahwe spake unto Moses and unto Aaron"; Num. xviii. 1, 8, 20, "And Jahwe spake unto *Aaron*.") It is inconceivable that a school with whom system is the chief thing (see Wellhausen, pp. 427, 412) should proceed so carelessly in regard to form. It would surely have been so easy to allow uniformity to prevail here also.

Finally, we must not omit to point out that we learn nothing good otherwise of the alleged

authors of PC. The introduction of Deut. in the year 623 had not been of the slightest assistance ; idolatry had been everywhere restored on the high places (see the frequent complaints of Jeremiah, *e.g.* iii. 10, xiii. 27, xvi. 16, 18, xvii. 2 ; Ez. vi. 1-6, xviii. 6, 15, xx. 30 and foll., esp. ver. 31). Nay, the temple itself could be abandoned after the Reformation to the most abominable idolatry, as Ez. viii. and 2 Chron. xxxvi. 14 attest. The priests must bear the principal blame for this, and we see what godless men they were as they went into exile. Are we to suppose that they had so much improved there that they were the very persons who sought, even though in a mistaken way, to bring salvation to the people, that they were the very persons who were so anxious to lay down new religious principles ? That would likely be in itself impossible ; but we can prove the contrary. In the year 538, according to Ezra ii. 36-38, 4289 priests returned, whilst on the second return doubtless only individual priests came back. The bulk of the priests had therefore been in their native land since 538. Whether we place Malachi shortly before or after 444, this much at least is clear from that prophet, that the priests in Jerusalem were not at all concerned about the exact Levitical fulfilment of the laws relating to sacrifice. They bring without scruple blind, lame,

or sick animals as an offering—which was forbidden not only in Lev. xxii. 17 and foll., but also already in Deut. (see xv. 21, xvii. 1). They have no reverence for Jahwe, they neglect right instruction, they observe abominable feasts, they are not satisfied with what was prescribed to them by Jahwe as an acceptable offering (see Mal. i. 6 to ii. 9, iii. 3).

These then are the persons who are alleged to have co-operated in the exile in producing PC, to have had a special interest in the painfully strict observance of a sacrificial ritual, and with whose consent PC either had been already or was now introduced. Who can believe this? If Malachi should be placed even before 458, what right have we to assume that their brothers still in exile were so much better than they, especially when, according to Wellhausen, they were in the most active intercourse with one another? When Wellhausen (p. 412) says, "After the temple was restored, the theoretical zeal was still maintained, and in co-operation with the renewed practice completed the ritual still further; the priests who remained in Babylon took, from a distance, no less interest in the sacred worship than their brothers at Jerusalem who were occupied with carrying it out, who, living amid adverse surroundings, do not seem to have kept so strictly to the laborious fulfilment of the appointed observances," he undoes

86 ARE THE CRITICS RIGHT?

by the last relative clause all that he had previously said, and shows how his whole hypothesis is not merely composed of airy nothings, but is in contradiction to the actual circumstances. According to Malachi, it may be even more decidedly said that the Jerusalem priests not only do not seem to have kept less strictly to the laborious fulfilment of the appointed observances, but that they violated them in the grossest manner, and that too from want of reverence for Jahwe (see Mal. i. 6), not because of "adverse surroundings," but out of pure egotism. These are the facts. Among such a priesthood the zeal for godliness which must be and is ascribed to the authors of PC is incomprehensible; we could only credit them with those sections of PC in which they might have secured to themselves a good source of income by the tithes—which, in contrast with earlier times, were vastly increasing—but never with those in which a painfully exact observance of ritual is demanded of them.

To sum up, it seems to me incredible that several persons worked at PC and that nothing of their work came to light; that an agreement prevailed in the cardinal points, whereas no unity was attained in smaller matters; that a great system was elaborated, and yet at the same time that so much in form and contents contradicted the system; and that, finally, persons should have constructed

DETAILS ABOUT TABERNACLE 87

PC whose hostility to such enactments can be proved, in whom all religious interest was lacking, and who dared expressly to set themselves against the commands of God.

6. Let us turn, finally, to *particular enactments of PC*, the origin of which remains unexplained under the modern theory, because they would not be in any harmony with the purposed attempt at reformation. To these we shall add such as are in direct contradiction to the circumstances of the exilic or post-exilic period, and lastly such as one would have necessarily expected in a ritual legislation of that time, but which are lacking.

Many particular enactments of PC are inexplicable on the modern theory.

The first-named laws would be at least superfluous and scarcely intelligible in a programme which was to be translated into practice. We have already mentioned above that it would have been the height of folly for the authors of PC to clothe the system in Mosaic dress, and in particular to invent the tabernacle at all (see § 3). Even, however, though it might be foolish, the idea might be explained by the hope of giving greater sanction and higher authority by means of this dress to the law about to be introduced. But what reason can be alleged for the fact that, even to the minutest detail, the material, number, measure, and colour of the various parts are stated (see Ex. xxvi. 1-37)? The more the

88 ARE THE CRITICS RIGHT?

legislation is supposed to appear as a programme, the more unintelligible would be this aimless fancy for construction, especially as it was not intended to build the tabernacle itself. If it is alleged that Solomon's temple had to be copied and dated back to the time of Moses, in the first place there is not the slightest hint of this; nay, it is even excluded, because the tabernacle appeared with the claim of permanent existence (see Lev. xvii. 1-7, esp. ver. 7). What, moreover, would then be the meaning of the innumerable divergences in measurements (it is not at all the case that the tabernacle always had exactly the half measurements of the temple), in form (in the temple a porch and two outer courts, in the tabernacle one outer court), and in the decoration? Why is the expression for the holy of holies דְּבִיר (the oracle) which appears so often in the case of the temple (see 1 Kings vi. 5, 16, 19-23, 31, vii. 49, viii. 6) avoided?¹ Why in place of the ten lamps of the temple does only one appear? All this would remain unintelligible, if it had been intended to pre-figure the temple in the time of Moses.

What, besides, is the meaning of a law like Num. iv., in which the mode of transporting the various portions is exactly laid down, and what

¹ The friend mentioned in a previous note says here: "Its use in 2 Chron. iii. 16, iv. 20, v. 7, 9, and in Ps. xxviii. 2 marks its absence in PC still more strongly."—TRANS.

Levites are to carry them? How could this duty be assigned strictly to the Levites—a duty which they no longer had after the exile, whilst elsewhere the service of the tabernacle is quite generally stated (comp. Num. xviii. 2, 4, 6), though it should have been more minutely laid down, since it was to be henceforth attended to?

Why did PC assume the numbers of the first-born (22,273) and of the Levites (22,000) in Num. iii. as not easily agreeing, so that only with difficulty it could arrange the correct proportion?

The law of Lev. xvii. 1-9, where it is laid down that every animal for sacrifice must only be killed at the central sanctuary, would be impracticable and unintelligible at any other time than that of the wanderings in the wilderness, whereas PC wanted to translate it into practice.

What could be the meaning, after the exile, of the law of Num. xxxiii. 51-56, relating to the extermination of the Canaanites who had long ceased to be in the land?

What, just at that time, could be the meaning of the list of encampments in Num. xxxiii.?

What could be the meaning of the bold enactment about the land, its allotment, the distribution of the cities of the Levites, and the other agrarian laws? How is it appropriate to the time of the exile that the existence and the unmixed condition of the twelve (or thirteen) tribes should be assumed,

whereas, in fact, the northern kingdom had then ceased to exist at all, and its remaining inhabitants had mingled with the settlers who had been imported? All the laws which refer to this¹ have not the slightest relation to the actual programme, and could only be explained on the ground that, as is alleged in the case of Deut., there was an attempt to make the Mosaic authorship credible in a quite artificial way. But the authors would then have gone so far in this effort that, by the law of Lev. xvii. 1-9, which Wellhausen himself (p. 52) pronounces "impracticable," they would have rendered it impossible to carry out those laws about which the authors of PC, with their programme, were specially anxious (see above, under § 3, what is stated about the tabernacle and the Day of Atonement). This seems to me scarcely credible.

Let us turn to those enactments of PC which are in direct contradiction to the time assigned by criticism to the Priestly Code, and therefore alone make the Graf-Wellhausen hypothesis quite impossible.

How could the Urim and Thummim be con-

¹ Comp., for example, the year of Jubilee and the law of daughters' inheritance, Lev. xxv. and Num. xxxvi.; regulations about the Levites and the cities of refuge, Num. xxxv. 1-8, 9-15; about the boundaries of the land and the men who shall divide the land, Num. xxxiv.; and about the distribution of Canaan to the particular tribes to be completed by lot, Num. xxvi. 52-56 (comp. Köhler, as above, p. 527, note 2).

sidered part of the complete dress of the high-priest, when they had been lost after the exile (comp. Ezra ii. 63, Neh. vii. 65 with Ex. xxviii. 30)?

How can PC prescribe the anointing for the high-priest (Ex. xxix. 7 ; Lev. viii. 12, xxi. 10), which according to tradition was not carried out in the post-exilic time (comp. Riehm's *Handwörterbuch* article "Hohepriester")?

How could the age of service for the Levites be reckoned from thirty (Num. iv. 3) or twenty-five years (Num. viii. 23-26), when it clearly began after the exile at twenty years of age (comp. Ezra iii. 8)?¹

Many of the more recent critics think that the continual offering (Heb. *Tamid*), according to Neh. x. 33, consisted in the morning of a burnt offering and in the evening only of a meat offering, which they try to make probable by a comparison with the passages 2 Kings xvi. 15, Ezra ix. 4 (comp. also Ez. xlvi. 13 and foll.). How then could P in Ex. xxix. 38 and foll. require the burnt offerings morning and evening?

How could P require the Passover to be on the 14th day of Nisan in the evening in the

¹ There is here, it may be remarked, a notable confirmation of the historicity of Chronicles (comp. 1 Chron. xxiii. 24 and foll. ; 2 Chron. xxxi. 17, where that alteration of PC is attributed to David). How could the chronicler have come to alter P without historical authority, seeing that he otherwise keeps carefully to its fulfilment and writes in its spirit?

92 ARE THE CRITICS RIGHT?

houses, but the Feast of Unleavened Bread on the 15th in the central sanctuary (comp. Ex. xii.; Lev. xxiii. 5 and foll.; Num. xxviii. 16 and foll.)? This was absolutely impracticable for the time after the wanderings. This law also is only intelligible, therefore, for the period of wandering in the wilderness. When the chronicler speaks of observances of the Passover (2 Chron. xxx. 5, xxxv. 1 and foll.), he presupposes the Deuteronomic injunction, according to which even the Passover was to be celebrated in the holy place. Inasmuch as the chronicler otherwise always follows P, we must assume that in his time not P but Deut. was obeyed on this point.

How could half a shekel be fixed in P as an offering unto the Lord (Ex. xxx. 11 and foll.) whilst after the exile only a third was required (Neh. x. 32)?

Here too we recall once more the fact that the post-exilic time knows nothing of a tabernacle and an ark of the covenant.

In short, we see that the enactments cited must have been otherwise stated if PC had originated in the exilic and post-exilic period.

How little P is suited to the time to which it is assigned is clear, finally, from the fact that we do not find in it quite a number of laws which we should expect.

It is well known what a part the temple music plays after the exile. As early as Ezra ii. 41 and Neh. vii. 44 "the singers" are mentioned among those who returned in the year 538. The *personnel* of those serving in the temple in the post-exilic time appears to be very fully analysed; mention is made not only of priests and Levites, but also of door-keepers [porters], temple-servants [Nethinim], and children of Solomon's servants (Ez. ii., Neh. vii.). We ask, in the first place, how was this full classification possible, if it had not already existed before the exile? The exile, during which the temple worship had to cease, was certainly quite unadapted to call it into existence, apart altogether from the fact that it appears in Ezra ii., vii. 7, 24, viii. 17, x. 23 and foll., and Neh. vii., not as something new, but as something well known and self-evident.¹ But, putting this aside and proceeding simply from the actual state of things in the post-exilic time, how was it possible for P to leave these people quite unnoticed? It was surely only consistent to date from Mosaic times these various positions which were allowed to exist, and to assign to their occupants their definite duties and their revenues (comp. Neh. xii. 47).

¹ Still another confirmation of the historical value of Chronicles, which attributes this division of duties to David (1 Chron. xxv. and foll.).

94 ARE THE CRITICS RIGHT?

Why, again, is the enactment mentioned in Neh. xii. 44 and foll., and xiii. 10, that chambers should be provided as treasuries for the portions of the priests and Levites, and men appointed for the oversight of them, omitted in P?

In Neh. x. 35, xiii. 31, regular supplies of wood for the holy place are mentioned and required, of which there is not a trace to be found in P. How they could have escaped notice remains unexplained under the modern theory.

Finally, it is well known how in the post-exilic time the marriages with heathen peoples had to be abolished (Ezra ix. and foll.; Neh. xiii. 23 and foll., 30; Mal. ii. 10 and foll.), and how much trouble it cost. How could P omit a law referring to this?

Were we to proceed on parallel lines to the foregoing inquiry, we should here allude to the fairly numerous traces of PC which are found before 444, and this too in the historical books, in Ezekiel and in Deut. But we shall better deal with them in the later sections, and here only indicate them.

A pious
fraud
once more.

By way of appendix it may here be once more expressly noticed that, if the Graf-Wellhausen hypothesis be accepted, it is impossible to eliminate the *pia fraus*. Here, too, the Mosaic dress

is not merely a matter of indifference for the success of the introduction of PC, but decisive. Here, too, the deception would be as subtle as possible, nay, the priests would have gone so far in it that by the Mosaic dress they would have really made the carrying out of their programme impossible from the first (comp. §§ 3, 4, and 6). We can only repeat here what we demonstrated in the appendix to the previous section (pp. 50-52), and find it incomprehensible how the disguise of PC can be placed on a level with that of the Preacher (comp. Kautzsch, p. 168). Besides, in the case of PC there would be this element of added difficulty, that the priests would not have acted exactly unselfishly in their work, since they would have increased immeasurably the revenues which hitherto accrued to them. But we shall have still to deal with one point, namely, the proof of the position of the Levites in PC in contradiction to Ezekiel, and to show that this can only be regarded as a fraud in the worst sense of the word.

To sum up the result of our inquiry. The **Summary.** narrative of Neh. viii.-x. showed us that Wellhausen is right when he considers that the whole Pentateuch, and not merely PC, was published on that occasion. But his hypothesis is then impossible from the start, and is at the moment hardly

shared by others; it breaks down especially on the reconciliation with the Books of the Covenant and Deut. On the other hand, the now almost universal view of the modern hypothesis, according to which it is only PC that is made known in Neh. viii.-x., has the narrative—recognised by criticism itself as “original”—against it, but apart from this it breaks down on the existence of the Books of the Covenant and Deut. (comp. § 1). Section 2 showed us that the authors of PC, according to criticism, had not a historical purpose in view, and therefore did not merely codify the use and wont, but that they put forward a programme by the carrying out of which the people were to be saved from the future chastisements by their God. But the priests could not hope from the course of history that anything would be effected by the outward observance of ritual. In any case, however, they would not then have ventured to choose the Mosaic garb, because their law was in opposition to what was hitherto regarded as Mosaic, and because by choosing that form of dress for PC they would have made the practical introduction of the latter *a priori* illusory (§ 3). If nevertheless they had chosen this form, the result would be quite unintelligible; the people would have allowed themselves to be deceived, although the legislation must have been in the highest degree uncongenial

to them, and yet they would not have accepted PC blindly, but in a form more suited to the time (§ 4).

Further, we could not conceive how the authors could be at once genial and narrow-minded (§ 3), at once interested and callous in religious matters, at once systematic and unsystematic *κατ' ἐξοχήν*, as we would have to assume throughout on the modern hypothesis; and similarly, how so many were engaged in the work and yet nothing came to light (§ 5). We add that quite a multitude of laws cannot be explained by the programme, that many are in contradiction to the time of the exile, that others are lacking which were to be expected at that time; and that for the explanation of all these phenomena the Mosaic disguise is utterly inadequate (§ 6). Taking all in all, we can no longer have any doubt that the modern view is a chimera, a monstrosity. P can no more have originated in the sixth or the fifth century than Deut. in the seventh, and thus the apparently harmonious correspondence between law and history is for the second time proved to be an error.

As for the criticism of the critical methods of the modern Old Testament scholars, the following points were to be noted:—

(a) If we assume with Wellhausen that the whole Pentateuch was promulgated on the occasion described in Neh. viii.-x., and that thus something

essentially new was enjoined upon the people, it follows that E and J and D could become unknown, although their existence for centuries previous is admitted even by the critics. Nothing can therefore be deduced against the previous existence of a law from the fact of its being unknown at a particular time (§ 1).

(*b*) If we assume with Kautzsch, and most of the other modern critics, that in Neh. viii.-x. only PC was published, then our whole argument and the analogous fate of Deut. and the Books of the Covenant in the year 623 show that nothing must be inferred against the previous existence of a law from the fact of its being unknown at a particular time (§ 1).

Finally, we believe that many of the difficulties which have been discussed exist not only for the modern conception, but for every view which does not proceed from the assumption that at least the kernel of this ritual legislation goes back in reality to Moses; in this we express no opinion on the question whether the laws must have been all codified in the time of Moses, or whether laws, in accordance with changes in the practice, may not have been added on to this kernel. This would have to be discussed by exhaustive inquiries, although I am of opinion that on this point we shall never be able to get beyond subjective conjectures. At any rate, so far as I can see, every

view must break down which does not at least regard the kernel of PC as Mosaic (§§ 1, 3, 4, 5, 6).

B. CRITICISM OF THE MODERN AUXILIARY HYPOTHESES

After we have shown the untenableness of the modern dating of PC, there remains for us the criticism of the most important auxiliary hypotheses which are supposed to render that date necessary. We are less concerned in this discussion to meet the objections to the Biblical view, though we shall give suggestions as to how, in our view, they are to be overcome. Our chief desire is here also to bring criticism to bear on Criticism, and to show how arbitrary its canons of criticism are, and how by a logical following-out of them quite different results must be arrived at. We have already given some samples in the preceding discussions (see pp. 7, 41, 54, 97). We shall here deal in sequence with the relation in which the prophets in general, Ezekiel xl.-xlviii. in particular, and the history down to 444, stand to PC. The sequence, which might appear arbitrary, has been determined by the influence which the different arguments of criticism once produced upon myself.

(a) It was passages like Amos v. 21 and foll., iv. 4 and foll.; Hos. vi. 6; Mic. vi. 6 and foll.; Is. i. 11 and foll.; Jer. vi. 20, vii. 21 and foll.; Ps. xl. 7, l. 9, li. 18 and foll., which first convinced me **The relation of the prophets to the Priestly Code.**

100 ARE THE CRITICS RIGHT?

of the incontestable correctness of the Wellhausen hypothesis. They seem quite clearly to show it to be impossible that the prophets, with such a polemic against sacrifice, could have been acquainted with an ordinance of sacrifices going back to Moses. PC therefore, as it seems, must have originated after those passages. Later, I became convinced of the error of this conclusion.

I do not propose to give a thorough exegesis of the passages in question, which in part are on exegetical grounds specially difficult, in order not to produce the impression that the correctness of the view stated depends upon this, an impression by which Bredenkamp, for example, does much harm. We shall, on the contrary, do well to treat these passages at first *as critically as possible*. Even then, nay, just because of this, we shall be in a position to show that this argument proves a great deal too much, and therefore nothing at all.

Does Jer.
vii. 21 and
foll. prove
that PC
could not
have
existed
in Jere-
miah's
time?

1. Let us commence with the passage Jer. vii. 21 and foll., and let us assume with modern criticism that the expression in ver. 22 בְּיֹם הוֹצִיאֵי אוֹתָם מִצִּירֵי מִצְרַיִם is not to be pressed so as only to be understood of the moment of the departure from Egypt; let us further assume that in the same verse וְנִבְּהָ עַל-דְּבַר עֹלָה does not mean "by reason of burnt offerings or sacrifices," but "concerning burnt offerings or sacrifices," the passage would

expressly state that God had given in Mosaic times no instructions and commands relating to sacrifices at all. Because this is diametrically opposed to PC, it is argued that PC could not yet have existed in the time of Jeremiah, and the positive testimony of that prophet is maintained to be in favour of this view. But if we were really to draw this conclusion from the particular fact, we should actually infer a great deal too much. The Books of the Covenant and Deut. could then just as little have existed at the time of Jeremiah; for both, even according to the critics, were then regarded as Mosaic and both speak of sacrifice, especially the first Book of the Covenant, in the passage otherwise so readily used by the critics, Ex. xx. 24, "An altar of earth shalt thou make unto me and shalt sacrifice thereon *thy burnt offerings and thy peace offerings*, thy sheep and thine oxen; in all places where I record my name I will come unto thee, and I will bless thee."¹ Comp. further Ex. xxii. 20, "He that sacrificeth unto any god, save unto the Lord only, he shall surely be put to death"; Ex. xxiii. 18,² "Thou shalt not offer the blood of

¹ Kautzsch's translation "in all places which I shall appoint that men may worship me there" gives to the Hiphil of יָבִיחַ a meaning which it nowhere else possesses.

² According to Cornill, p. 29, from E without being edited, in opposition to the new translation, which assigns vers. 14-19 to the redactor. Even Wellhausen, in his treatment of the Feasts, proceeds on the assumption that this section is older than Deut.

my sacrifice with leavened bread ; neither shall the fat of my sacrifice remain until the morning " ; xxxiv. 25, " Thou shalt not offer the blood of my sacrifice with leaven ; neither shall the sacrifice of the feast of the passover be left until the morning."

According to the Books of the Covenant, therefore, God certainly spoke of sacrifice in the time of Moses, and yet Jeremiah would dispute the fact that God stated and appointed anything concerning sacrifices in the Mosaic period. One of two alternatives is only possible here. Either we are to regard this contradiction as so strong that we shall also consider the existence and Mosaic authority of the Books of the Covenant quite as impossible in the time of Jeremiah as that of P, or we are to admit that P, notwithstanding the passage from Jeremiah, could already exist as a Mosaic law quite as well as the Books of the Covenant. The procedure of modern criticism is, on the contrary, arbitrary and inconsistent. If, however, it should say that there is a difference between P and the Books of the Covenant, it must be retorted that this actual difference is only one of quantity, inasmuch as P certainly contains more instructions about sacrifice ; but that in the main discussion as to the relation of the prophets to sacrifice, the question at issue is not whether there were many sacrifices or few, but whether or not there were any sacrifices at all. And in the

ARGUMENT APPLIED TO DEUT. 103

modern exegesis of Jer. vii. 22, as a matter of fact, any divine appointment of sacrifices in Mosaic times is disputed.

The case for Deut. is exactly similar to that for the Books of the Covenant. According to the usual assigning of the 7th chapter of Jeremiah to the year 608,¹ Deut., in the opinion of the critics, was already introduced as Mosaic fifteen years before, and since then recognised as such. Now Deut. speaks of sacrifices much more frequently than the Books of the Covenant; we quote the following passages: xii. 5 and foll., "But unto the place which the Lord your God shall choose out of all your tribes to put his name there, even unto his habitation shall ye seek and thither shall ye come; and thither ye shall bring *your burnt offerings and your sacrifices*, and your tithes, and heave offerings of your hand, . . . and all your choice vows which ye vow unto the Lord"; xii. 13, "Take heed to thyself that thou offer not *thy burnt offerings* in every place that thou seest: but in the place which the Lord shall choose in one of thy tribes, there *thou shalt offer thy burnt offerings*, and there thou shalt do all that I command thee"; xii. 17, "Thou mayest not eat within thy gates

¹ Comp. with this chap. xxvi., where the historical setting is prefixed to the speech given in chap. vii.; so also Kautzsch. See also the note on p. 23.

the tithe of thy corn, or of thy wine, or of thy oil, or the firstlings of thy herds or of thy flock, nor any of thy vows which thou vowest, nor thy free-will offerings, or heave offering of thine hand, but thou must eat them before the Lord thy God," etc.; xii. 26, "Only thy holy things which thou hast, and thy vows, thou shalt take, and go unto the place which the Lord shall choose, and thou shalt offer *thy burnt offerings*, the flesh and the blood, upon the altar of the Lord thy God; and the blood *of thy sacrifices* shall be poured out upon the altar of the Lord thy God, and thou shalt eat the flesh." Comp. further Deut. xv. 19-23; xvi. 2, 5 and foll.; xvii. 1; xviii. 1, 3. Here it is even clearer than before that, according to Deut., God had given commands and instructions in reference to sacrifices and burnt offerings in the time of Moses before the entrance into the Holy Land, and yet Jeremiah could utter the expression in chap. vii. 22. So there only remains here also the above-mentioned alternative.

Jer. vii. 21 and foll. is undoubtedly the passage which speaks most sharply against sacrifices. If it proves nothing, much more is this true of the other passages, even of Amos v. 21 and foll. (see especially ver. 25, "Have ye offered unto me sacrifices and offerings in the wilderness forty years, O house of Israel?"); for

ARGUMENT FROM AMOS V. 25 105

this only establishes the fact that in the time of the wanderings in the wilderness (comp. ii. 10) no sacrifice was offered—which corresponds to the hints which we get elsewhere about that period (comp. Deut. xii. 8 ; Ezek. xx. ; Lev. xvii. 7). But it is impossible that this can prove anything against the fact that sacrifices were offered before that time (otherwise JE must in turn be later than the prophetic writings ; comp. Ex. xxiv. 4 and foll.), and that a legislation on ritual was given at Sinai. All that has been adduced above, however, may be applied generally to all these passages about sacrifice in the prophets without qualification. For even if Deut., according to modern criticism, was not yet in existence for Amos iv. and foll., Hos. vi., Mic. vi., Is. i. (though doubtless for Jer. vi. and Ps. xl., l. and foll.!), yet it will be at once admitted that the Books of the Covenant are older than even the oldest of the prophetic writings. Thus what we have shown above is repeated here ; *i.e.* criticism admits that the prophets could speak so sharply against sacrifices, although instructions about sacrifice which were regarded as Mosaic existed in their time, and loses thereby the right of denying, for the same reason, the existence of P at that time.

In order that the difference between P and the Books of the Covenant may not be appealed to,

106 ARE THE CRITICS RIGHT?

as we have deprecated above (see p. 102), we may add here the following remarks. Amos v. 21 ("I hate, I despise your feast days, and I will not smell in your solemn assemblies") and Is. i. 13 and foll. ("new moons and sabbaths, the calling of assemblies, I cannot away with: iniquity and solemn meeting! Your new moons and your appointed feasts my soul hateth; they are a trouble unto me; I am weary to bear them") attack the feasts at least as sharply as the sacrifices; their opposition on this point must of course be regarded as absolute, if we do so with reference to sacrifices. And yet in the Books of the Covenant the Sabbath and the three principal feasts are enjoined (comp. Ex. xx. 9-11; xxiii. 12, 14-17; xxxiv. 18, 21-24). We must indeed regard it as a quite incomprehensible piece of arbitrariness that modern criticism can on this ground dispute the existence of P and admit the existence of the Books of the Covenant, although the circumstances were the same for both.

Did the prophets really assume a hostile attitude toward sacrifice?

2. After we have thus seen that there is no argument for the Wellhausen theory, even if the prophets had been absolutely hostile to the mode of worship, it still remains for us to inquire if the prophets really assumed such a hostile attitude to sacrifice. It would indeed be at least a subject of wonder that they should have put themselves

in such antagonism to the previously-revealed will of God, even though they only found it in the Books of the Covenant, or in Deut., or even in P. But that this is actually a false conception is seen by analogies to be very probable, and may on other grounds be definitely proved.

(a) In confirmation of the first assertion, let us start with a passage from the prophet Malachi. In chap. i. 10 we read, "Who is there even among you that would shut the doors for nought? Neither do ye kindle fire on mine altar for nought. I have no pleasure in you, saith the Lord of hosts, neither will I accept an offering at your hand." The value which Malachi, however, attaches to sacrifice is clear from other parts of his book. In the very next verse we read, "For from the rising of the sun even unto the going down of the same my name shall be great among the Gentiles, and in every place incense shall be offered unto my name, and a pure offering"; iii. 3 and foll., "And he shall sit as a refiner and purifier of silver, and he shall purify the sons of Levi and purge them as gold and silver, that they may offer unto the Lord an offering in righteousness. Then shall the offering of Judah and Jerusalem be pleasant unto the Lord as in the days of old, and as in former years." The Levitism of Malachi has certainly been pointed out, and it has been maintained that he, on this account, is not to be

compared with the earlier prophets. We admit at once that the whole spirit of Malachi is different from that of the earlier prophets, but just for that very reason we consider Malachi to be in favour of our view. For just because the prophet adhered to Levitism, his rejection of sacrifices in i. 10 is the more interesting. If, notwithstanding his preference for sacrifices, he does not say, "You must not bring any more defective animals for sacrifices, you must offer them henceforth in the right, prescribed manner," but is able to say, "I will have no sacrifices from you at all under such circumstances," it is surely clear how hasty it is to conclude from similar passages in the older prophets that the latter are opposed to sacrifice in itself. From the passage in Malachi it follows undeniably that Jahwe can reject sacrifices when the right disposition, reverence for Him, is wanting (Mal. i. 6 and foll.), and that at the same time high value is placed on sacrifice (comp. i. 11, iii. 3 and foll.).

Nay, in P itself there is a passage (Lev. xxvi. 31) which plainly says that sacrifice under certain circumstances is of no avail. If, and because, and so long as, the heart is uncircumcised (ver. 41), sacrifices will not prevent banishment. Even in P, then, God "will not smell the savour of their sweet odours." We should therefore have quite a wrong conception of P if we thought that P shows

itself to be contented with the mere offering of sacrifice. No, there is here plainly the pre-supposition that the right spirit, the circumcised heart, must be associated with the sacrifices if Jahwe is to have pleasure in them, if He is not to lead His people into exile. Moreover, it must not be forgotten that according to PC it is only sins committed in ignorance (comp. Lev. iv. 2, 22, 27 ; v. 15 ; Num. xv. 27 and foll. ; xxxv. 11, 15) which may be atoned for by sacrifices. "But the soul that doeth aught presumptuously (בְּיָד רָמָה), whether he be born in the land or a stranger, the same reproacheth the Lord ; and that soul shall be cut off from among his people. Because he hath despised the word of the Lord, and hath broken his commandment, that soul shall be utterly cut off ; his iniquity shall be found upon him" (Num. xv. 30, 31). Were the prophets then doing wrong according to the view of PC when they rejected the sacrifices of their fellow-countrymen ?

Ezekiel, according to the modern view of the originators of Levitism, might produce in chapters xl.-xlviii. the same impression as if he made piety an outward thing and confined it to the painful performance of ritual, and yet we should do the prophet a serious wrong if we thought that he regarded the fulfilment of outward ceremonies as the essential thing in religion. Let it not be

110 ARE THE CRITICS RIGHT?

forgotten that Ezekiel (*e.g.* chap. xviii.) demands above all else repentance from the sinner, and that in chap. xxxvi. he promises for the future a heart of flesh instead of a heart of stone; only then will the ritual prescribed by him be effective.

From what has been said it follows that even according to P, Ezekiel and Malachi, sacrifice has only value as an expression of a corresponding spirit, and that, when this is lacking, sacrifice alone is of no avail, but rather may be expressly rejected.

If, then, no one can go the length of ascribing to Malachi on account of Mal. i. 10, or to PC on account of Lev. xxvi. 31, an attitude absolutely averse to sacrifice, how can this be attributed, without question, to the pre-exilic prophetic writers? Here also it is clear by what a different standard things are measured; and this we must bring unhesitatingly to light.

(*b*) But that the modern view about the attitude of the prophets to sacrifice is not merely incapable of proof and improbable, but impossible, is clear from what follows. Even Jeremiah, alongside of the passages vi. 20 and vii. 21 and foll., predicts in a way very similar to Malachi (iii. 3 and foll.) sacrifices for the future when he writes (xvii. 26¹), "And they shall come from the cities of Judah, and from the places about Jerusalem, and from

¹ The genuineness of the passage is recognised as probable in the new translation.

the land of Benjamin, and from the plain, and from the mountains, and from the south, bringing burnt offerings, and sacrifices, and meat offerings, and incense, and bringing sacrifices of praise, unto the house of the Lord"; or xxxi. 14, "And I will satiate the soul of the priests with fatness, and my people shall be satisfied with my goodness, saith the Lord." We may venture also to refer to Jer. xxxiii. 14 and foll., although these verses are lacking in the Septuagint. Modern criticism itself, on account of the Deuteronomic expression in ver. 18 ("the priests the Levites"), cannot place the date of these verses farther down than the incident narrated in Ez. xlv. 4 and foll. (B.C. 573). In ver. 18, however, it is said: "Neither shall the priests the Levites want a man [to stand] before me to offer burnt offerings, and to kindle meat offerings, and to do sacrifice continually."

If, further, Is. i. 12 and foll. was to be regarded as an evidence for the essentially hostile attitude of the prophet toward sacrifice, then the prophet in ver. 15 must be regarded as having pronounced himself with equal hostility against any prayer ("And when ye spread forth your hands, I will hide mine eyes from you; yea, when ye make many prayers, I will not hear"). Moreover, an objection in principle on Isaiah's part to the mode of worship as such would be the more incomprehensible, inasmuch as with him Zion and the

112 ARE THE CRITICS RIGHT?

temple hold such a prominent place (see, for example, Is. ii. 1 and foll., iv. 2-5, viii. 18, xviii. 7, xxxi. 9, xxx. 29, xxxiii. 20. Comp., besides, Am. i. 2 and Mic. iv. 1 and foll.), and it was in the temple that the vision which brought the call to Isaiah took place (see Is. vi.).

3. We have already indicated how the apparently absolute antagonism of the prophets to sacrifice in those passages is to be *explained*; it was due to the circumstances of that time. Is. i. and Jer. vi. and foll. are directed against such people as gave themselves up to sin without scruple, and quieted themselves with the thought that all would be made right again by sacrifice. The *opus operatum* must be as infallible in its effect, and secure against punishment the person who brought the offering, as the mere possession of the temple guaranteed to the people their eternal permanence (see Jer. vii. 4). Under such circumstances the only right course was to insist: "Away with all sacrifices!" It was not for sacrifices that Jahwe had once addressed Himself to the people; that which alone He required from them, even with the sacrifice, was obedience. This is the meaning of the passage Jer. vii. 22, if we give the word עַל-דִּבְרֵי its original meaning of "because of" (comp. Gen. xii. 17; Deut. iv. 21), whereas the weakened meaning "concerning" can nowhere be

proved with certainty. In the only passage to which this passage might appear comparatively the nearest parallel, 2 Sam. xviii. 5, Kautzsch nevertheless translates "for Absalom's sake"! Then Jer. vii. 22 would be at once transformed into a proof that he knows well that God when he brought them out of Egypt had given legislation regarding sacrifice; only they thoroughly misunderstood it when they thought that God attached any importance to the *opus operatum*. It is at any rate much more evident that the people, just by the false conception of PC, fell into an overestimate of sacrifice, as was certainly the case in later Judaism, than that without such a legislation it should have attained to false confidence in sacrifices and to a false security.

But we shall much more readily be able to understand the polemic against the worship in the northern kingdom, if we reflect what this worship was like. Here not merely was the confidence perverted to the mere performance of the action, but the whole worship was repugnant to God and even in itself sinful (see especially Am. iv. 4), on account of which it must incur the Divine condemnation (see *e.g.* Hos. x. i. and foll.). But if Hos. vi. 6 has quite a general sound, it is to be observed that in the second clause of the verse the sharp utterance of the first is corrected. If it is maintained, with the newer critics (so even

Kautzsch), that we must translate, "For I desired mercy and not sacrifice, the knowledge of God and not [instead of "more than"] burnt offerings," and if the conclusion is drawn from this that the prophet wanted to know nothing of worship as such, then we may conclude from Prov. viii. 10 ("Receive my instruction and not silver; and knowledge and not [instead of "rather than"] choice gold") that the author forbids the receiving of any silver and gold! In reality, Hos. vi. 6 stands on the same footing with 1 Sam. xv. 22, where Samuel certainly also says that to obey is better than sacrifice and to hearken than the fat of rams, but he does not therefore repudiate sacrifice altogether but offers sacrifice himself.

The result of our inquiry is this. Modern criticism may (see § 1) or may not (see §§ 2 and 3) be right in its view of the passages from the prophets; in any case its conclusions as to PC are false, or they are equally applicable to the Books of the Covenant and Deuteronomy.

**Relation
of Ezekiel
xl.-xlviii.
to the
Priestly
Code.**

(β) With this we leave the question which has just been discussed and pass on to the other, almost as important, regarding the relation between Ezekiel and P. It is asserted (1) that Ezekiel xl.-xlviii. is unintelligible after P, and therefore that PC must be placed later; and (2) that the priority of PC is expressly excluded by Ez.

xliv. 4 and foll., inasmuch as the distinction between priests and Levites, assumed throughout in PC, is here first created.

1. Let us begin with the first point. In Ezekiel xl.-xlviii. the prophet living in exile has a vision. He feels himself suddenly carried away in the spirit into the land of Israel, and finds himself near the new Jerusalem (see xl. 1 and foll.). The structure of the new temple with its courts and its surroundings is shown to him. Further, after the entrance of Jahwe (chap. xliii.) all the laws and ordinances which relate to the temple are given to him—as, for instance, about the persons who are to serve in it (xliv. 5 and foll.), the conditions of service, the division of their land-property, and about sacrifices and feasts. Finally, the wonderful river of the temple is shown to the prophet (xlvii. 1 and foll.), and in conclusion the division of the land and the extent of the holy city are exactly stated.

The purpose of the whole vision and its meaning has been at all times a *crux interpretum*, and it cannot be said that modern criticism has been successful in solving the mystery. Ezekiel's picture of the future has no connection with the past; criticism has drawn from this the conclusion which suggests itself at the first glance so far as the ritual legislation of PC is concerned,

The argument that PC is later than Ezekiel proves too much.

116 ARE THE CRITICS RIGHT?

that Ezekiel was not acquainted with PC, but rather gave the first outline of it, which the authors of PC followed. And yet that conclusion is hasty and unwarranted. Ezekiel, indeed, has just as little connexion with the past, so far, for example, as the position and structure of the temple are concerned, or the distribution of the land among the twelve tribes. Had the temple of Solomon therefore not existed, or had the holy land not been previously divided? These points, moreover, are not comparatively subordinate, but occupy a larger space in the vision than the ritual legislation. The matter is, therefore, not so simple.

But it is further asked, how could Ezekiel deviate from PC, if this ritual legislation had already existed, inasmuch as on the one hand he left so much of PC unregarded, *e.g.* the high-priest—to mention only this point—and on the other hand altered so much; how could the prophet dare to attack those ordinances which were regarded as Mosaic? Even this seems at first sight very evident; but it also is only in appearance.

On the
same
principle
Ezekiel
could not
have been
acquainted
with the

In the first place, the alleged principle of criticism goes once more farther than is intended. According to it the prophet ought to be in agreement with the Books of the Covenant and with Deut., the two Books of the Law which were

regarded as Mosaic. But since here also the agreement is lacking, and that too in such a way that on the one hand much is omitted which was given in them, and on the other hand there is express deviation from them, it is clear that that principle of criticism is false and inapplicable, or rather that, logically carried out, it should at once involve the post-exilic origin of the Books of the Covenant and Deut. We give in a few examples the proof of the alleged deviations. The Books of the Covenant and Deut. mention three principal feasts (see Ex. xxiii. 14-17, xxxiv. 18-25 ; Deut. xvi. 1-17) : the feast of unleavened bread [passover], the feast of weeks [harvest first-fruits], and the feast of tabernacles [ingathering], which even PC has accepted (see Lev. xxiii. ; Num. xxviii.). Ezekiel, on the other hand, knows only the first and the last ; the feast of weeks is lacking (see xlv. 18 and foll.).

Deut. enjoins that the tenth is to be consumed in the holy place, but that every third year it is to be handed over to the Levites (Deut. xiv. 22 and foll., xxvi. 12 and foll.). Ezekiel knows as little of this as of the tenth of PC (Lev. xxvii. 30-33 ; Num. xviii. 20-22).

Deut. requires the firstlings to be eaten in the holy place (Deut. xiv. 23-26, xv. 19-23). Ezekiel no more mentions them than the firstlings of PC (Lev. xxvii. 26 and foll. ; Num. xviii. 15 and foll.).

Books of
the Cove-
nant or
with Deut.

118 ARE THE CRITICS RIGHT?

Deut. requires as a due to the priests from those who offer sacrifices, the shoulder, the two cheeks, and the maw (Deut. xviii. 3). Ezekiel knows as little of this requirement as of the corresponding one in PC (see Lev. vii. 31 and foll.).

The first Book of the Covenant requires (Ex. xx. 25, 26): "And if thou wilt make me an altar of stone, thou shalt not build it of hewn stone; for if thou lift up thy tool upon it, thou hast polluted it. Neither shalt thou go up by steps unto mine altar, that thy nakedness be not discovered thereon." On the other hand, steps lead to Ezekiel's altar of burnt offering (Ez. xliii. 17).

In short, there is not merely lacking in this prophet an express reference to the Books of the Law, which even according to criticism were then regarded as Mosaic, but the prophet disposes quite freely of their contents, and therefore no conclusion can be drawn against the existence and validity of PC at that time from the deviations of Ezekiel from it.

If, however, we look closely at these deviations themselves, the difficult question of their solution is not brought a hair's-breadth nearer by modern criticism, but in place of the one difficulty another and a greater one simply appears. Criticism used to ask: How could a prophet change the law of God? We ask now: How could the authors of PC deviate from the will of God revealed to

a prophet in a vision? Only we occupy the more favourable position in relation to our opponents; for we have in the Books of the Covenant and Deut. an undisputed and indisputable proof that the prophet, in consequence of the Divine vision, could deviate from the Thora; but there is not a single acknowledged case in which priests ever dared to alter a revelation of the Divine will made to a prophet.

There would be a reason which might make us disposed to accept the posteriority of PC if we found in it in all cases an advance on Ezekiel in relation to the instructions about sacrifice, requirements for the priests, etc. But if we look more closely, we find the stricter and more far-reaching regulations sometimes in Ezekiel, sometimes in P, so that nothing can be deduced from this either for or against. It is clear, and is candidly admitted by the critics themselves (see Smend's *Commentary on Ezekiel* on xlv. 18 and foll.), that in Ezekiel everything is strictly systematised, and therefore in the number as well as in the choice of offerings a principle of proportion prevails and can be recognised. Thus, *e.g.*, the sacrifices at the Passover Feast and at the Feast of Tabernacles are in perfect proportion; thus, further, the mincha [meat offering] at the feasts consists regularly in an ephah for the bullock, an ephah for the ram, an optional quantity for the lamb, and a hin of

120 ARE THE CRITICS RIGHT?

oil for the ephah. On the other hand, this principle does not appear in P, and no other principle can be perceived in relation to sacrifices. We may compare especially Ez. xiv. 18-xlvi. 15 with Num. xxviii. Now what reason could P have had, if it was post-exilic and used Ez. xl-xlvi. as a starting-point, to depart from the clear principle and to proceed without any principle at all? Unintelligible as this would be in itself, it is doubly so in this case, since according to criticism itself system was the novel and essential thing in P. It must, however, be clear to every unprejudiced person that the more systematic Ezekiel is the later.

Ezekiel
presup-
poses a
previous
ritual
legisla-
tion.

A further argument for the priority of PC is the circumstance that it is quite impossible that Ezekiel could have been a first ritual legislation. For such a purpose Ez. xl-xlvi. is much too incomplete. Bredenkamp, with the most perfect justice, points out (as above, p. 118) "how comparatively brief are the ritual enactments in comparison with the exhaustive description of the temple and the future dwelling-places, and how much is lacking which might be expected from a detailed ritual legislation given for the first time." Thus the simple mention of sin offering and trespass offering (xl. 39, xlv. 29), the general statement about dues (xlv. 30 a), and the instructions about clean and unclean required of the

priests (xliv. 23), necessarily presuppose as well known more thorough enactments in detail, if Ezekiel was not to be unintelligible. In xliv. 26, for example, it is assumed that every one knew how long the uncleanness (v. 25) lasted ; the only law on the subject is Num. xix. 11, 12.

Similarly it is only prejudice which can deny that Ezekiel, besides, knew and used at least the law of holiness (Lev. xvii. and foll.). If Jahwe at the exodus gave the Israelites statutes and judgments (see, *e.g.*, Ez. xx. 10 and foll., xviii. 9), if these (xviii. 5 and foll.) contained enactments which we find in P (see, *e.g.*, Ez. xviii. 6-8 ; Lev. xviii. 19, xx. 18, xx. 10, xix. 13, xxv. 37, 14, 17), how can it then be maintained that the particular laws in P were only added to Ezekiel without admitting that the converse connexion is much rather to be assumed? In the same way it is clear from Ez. xxii. 26 not only that the priestly Thora must have been something objective, fixed, definite,—since otherwise the expression פְּדָה (to profane) could not have been used,—but especially that it must have contained regulations about clean and unclean, holy and profane. What then is the objection to recognising the greater antiquity of the particular enactments of PC? We arrive at the conclusion that Ezekiel presupposes acquaintance not only with the law of holiness (just referred to) but also with the law of

sacrifice (Lev. i.-vii.) and with the enactments about the priests' dues (see especially Num. xviii.).

As, therefore, there is no lack of allusions in Ezekiel to PC, so on the other hand it would be difficult to prove the necessity of acquaintance with Ezekiel on the part of PC. By the following argument it is even as good as excluded. If the priests had relied upon Ez. xl.-xlviii. in the way in which the critics assume, so that they only completed more fully the programme of the prophet, then it would be quite incomprehensible how they could have left quite unnoticed and unused the description of Ezekiel's temple, the distribution of the land and other things, which occupy the largest space in that vision, and have arbitrarily laid hold, instead, on chaps. xlv.-xlvii., only to alter even these in almost every point.

So far as I can see, Ezekiel xl.-xlviii. cannot possibly be brought into a development of the laws. Apart from the general standpoint, just discussed, that the understanding of Ezekiel without P is simply impossible, those chapters can by no means be smoothly dovetailed into the course of legislation, and deviate in many points quite as much from the Books of the Covenant and from Deut. as from PC. What Ezekiel beheld in the vision could only have come into force if the conditions had been brought about by Jahwe in the transformation of the land. The

condition never came to pass, and therefore the whole legislation, or let us rather say the whole ideal project of Ezekiel, remained inoperative. It cannot actually be shown from a single passage that even a solitary enactment of Ezekiel came into force, or was even intended to come into force, before the building of Ezekiel's temple, before the entry of Jahwe into it, before the transformation of the land and its distribution, and before the flowing of the wonderful temple fountain with its still more wonderful effects. But we have yet to give proof for one passage, namely, Ez. xliv. 5 and foll. Before we pass on to it, let us sum up the substance of this section.

(a) No conclusion can be drawn from the **Summary.** deviations of Ezekiel from PC in favour of the later date of the former, because such deviations extend also to the Books of the Covenant, Deut., and the foregoing history.

(b) Nothing is gained by the assumption that PC is later than Ezekiel, but a new puzzle is simply put in place of the old.

(c) The following reasons, indeed, contradict this assumption :—

(a) Deviations of the prophet from a law recognised as Mosaic can be adduced ; but for the deviations of the priests from the will of God revealed to a prophet we would have no analogy of any kind.

- (β) Ezekiel is more systematic than PC in the sacrificial legislation, whereas, according to the modern hypothesis, quite the converse might be expected.
- (γ) Ezekiel xl.-xlviii. as the first legislation or ritual would be incomplete and inadequate; it rather presupposes necessarily such a legislation as we find in P; and besides, at least an acquaintance with the law of holiness is demonstrable.
- (δ) Conversely, there is no reference to Ezekiel in P, although such was to be expected.
- (ε) The eclectic use of Ezekiel by P would be quite unintelligible.

In short, the general comparison of Ez. xl.-xlviii. and P results adversely to modern criticism.

The
degrada-
tion of
priests to
Levites
(Ez. xlv.
4 and foll.).

2. But how does the case stand in regard to the passage Ez. xlv. 4 and foll., which treats of the degradation of priests of the sanctuary to Levites?

Here we come to one of the principal supports of modern criticism. Thus, *e.g.*, Kautzsch (p. 181) says: "This requirement of Ezekiel [*i.e.* of that degradation] is the root of *the distinction between priests and Levites*, which Deuteronomy as yet knows nothing of, whilst it plays an eminently important part in the priestly law. This circumstance is alone sufficient to assign to the so-called Priestly Code its proper place—after Ezekiel."

Similarly Wellhausen (p. 166). How Deut. on this point is related to PC we shall see later on. The question here at issue is not whether the modern exegesis of Ez. xlv. is possible along with others equally permissible, but whether it is necessary; whether, in other words, Ez. xlv. taken by itself is really adequate to prove the later date of PC.

According to PC the *personnel* of worship, represented through the whole tribe of Levi, is divided into the twofold rank of priests (with the high-priest at the head) and the ordinary Levites (see, *e.g.*, Ex. xxviii., xxix.; Lev. viii. and foll., xvi. 21; Num. i.-iv., viii., xvi.-xviii.). To the first class are appointed all the sons of Aaron, to the second all the other Levites. According to modern criticism this lower rank was only created for the first time by the degradation of the priests of the sanctuary, which is described in Ez. xlv.

The passage Ez. xlv. 4 and foll. falls into two sections. First of all, according to vers. 4-8, Israel sinned grievously, inasmuch as they appointed to the care of the inferior service in God's sanctuary, which He had entrusted to themselves, "strangers, uncircumcised in heart and uncircumcised in flesh." The second train of thought is immediately connected with this (ver. 9 and foll.):—When Israel fell into idolatry in the high places, the priests—who are described by the repeated

expression "the Levites that went astray from me"—were partakers in it. Only the central priesthood of Jerusalem, "the priests the Levites, the sons of Zadok," had no part in that idolatry; they alone, therefore, may still remain priests. Those others, on the contrary, as a punishment for their transgressions, must henceforth perform in the sanctuary the lower service handed over in the most recent past to the uncircumcised strangers. This is the substance of Ez. xliv. 4-15. In this point we at once feel ourselves in agreement with the critics, that it is a real degradation of priests that is here spoken of, and not merely a replacement in a former rank from which they had illegally raised themselves; for then the expression "they shall bear their iniquity" in vers. 10 and 12 would scarcely be intelligible.

If, then, P was already in existence before Ezekiel, the priests degraded to the inferior position are all the sons of Aaron, the descendants of Aaron's sons, Eleazar and Ithamar (see Lev. x.), except the sons of Zadok. But when criticism thinks it necessary to conclude from the passage that the lower position to which they were condemned was an absolutely new one created by Ezekiel, so that the previous existence of P would be thereby excluded, not only can this not be proved, but it can be expressly refuted from the verses 4-8.

DEGRADATION IMPLIES LAW 127

(a) If the prophet can here make the greatest religious and moral reproaches against the Israelites (even that of breaking the covenant, in case we are to read in ver. 7—with the Sept., Wellhausen, Kautzsch, Köhler, Bredenkamp, and others —וְהַפְּרִי instead of וְהִפְּרִי) because they admitted heathen strangers to that service in the sanctuary which had been entrusted to themselves, this is only morally justifiable, nay, it is only intelligible at all on the ground that Israel had received a command from God to attend themselves to this inferior temple service.

But this degradation implies disobedience to a previous enactment.

If, then, we assume P to be post-Ezekiel, we look in vain for such an enactment to which Ezekiel could have appealed. But we certainly find it in P, especially in the passage Num. xviii. 3, 4, with which Ezekiel is in harmony, even to the very words. If, moreover, the order is here given in the more definite form that that service is specially assigned to the Levites, this is not only not remarkable but very intelligible; for if the care of the sanctuary had been handed over to the Israelites in general by an express command of God, it is clear that more thorough regulations had to be imposed, and probable that specific persons were entrusted with this service. If, nevertheless, it is maintained that Ezekiel was not acquainted with PC, it remains a mystery how he could venture to reproach the Israelites,

128 ARE THE CRITICS RIGHT?

and how they could have put up with it. Both of these things seem to be an impossibility.

From the passage in Ezekiel, so far as I can see, the following is clear. Ezekiel was at any rate acquainted with the distinction between a higher and lower grade of service in the sanctuary ; regulations must have been familiar to the Israelites not only about the higher (priestly service), but also about the lower. But these are only to be found in PC, according to which the latter service was assigned to the Levites. They handed it over to heathen strangers, and Israel calmly looked on. Now the priests—according to PC the sons of Aaron, with the exception of the sons of Zadok—who were partakers in the idolatry are in future to discharge this duty as a punishment for their transgression. But there is no room for the suggestion that Ezekiel was the first to create this inferior grade.

Ezekiel
xlvi. 11,
13, pre-
supposes
PC.

(b) That PC with its distinction between priests and Levites is presupposed, follows further from the fact that this distinction appears in Ez. xlvi. 11, 13 as something quite familiar and self-evident, whilst Ezekiel does not give the slightest hint that he intends henceforth to describe the degraded priests specially as "Levites" in contrast with the sons of Zadok, who were themselves indeed also Levites, and are further described by him as "the priests the Levites" or as "sons of

Levi." This would have been absolutely necessary in the event of the priority of Ezekiel. But if PC was the older book, according to which the title of "Levites" was expressly given to the *personnel* of the lower rank of service, it was of course unnecessary.

(c) But even if Ezekiel had expressly said that he would describe the degraded priests henceforth as "Levites" *κατ' ἐξοχήν*, it would, on Wellhausen's own showing, be incomprehensible how Ezekiel could have chosen this name for the newly created rank. Wellhausen (p. 142) says: "Not only in Deuteronomy, but everywhere in the Old Testament, except Ezra, Nehemiah, and Chronicles, Levite is the priest's title of honour." Since, however, in Ezekiel the admittedly new position is a position of punishment, he could not really have found for it a more inappropriate name.

The word "Levite" could not have been chosen as a mark of punishment.

(d) There is a further difficulty for modern criticism if we consider the method in which Ezekiel is supposed to have introduced this distinction. According to criticism, those priests of the sanctuary had been within their perfect right. Wellhausen says, for example (p. 120): "Hitherto these men (the Levitical priests of the sanctuary) occupied the priesthood, and that, too, not in consequence of despotic usurpation, but by reason of their just rights." And on p. 121: "It is a strange justice that the priests of the abolished *Bamoth* [high

Incredible that Ezekiel could have introduced the distinction.

places] are punished because they were priests of the abolished *Bamoth*, and conversely, the priests of the Jerusalem temple are rewarded because they were priests of the temple: the guilt of the former and the merit of the latter consists in their existence. In other words, Ezekiel merely throws a moral mantle over the logic of facts." In the first place, Wellhausen is mistaken in seeing in that worship of the high places only the worship of Jahwe and not idolatry, which does not agree with Ez. xliv. 10 and many other passages. As we are proceeding historically and not dogmatically, we shall not dwell upon the fact that in this case the prophet would act in a manner not only very questionable, but absolutely objectionable from a moral point of view, although I must regard it as even historically false to credit a man—who otherwise stands before us in spotless purity, and who besides asserts high moral and religious principles which have still their value even in Christendom—with acting in such a way, if convincing proofs of it of a quite different kind are not forthcoming.

But even if, as I have said, we pass away from this, we must still wonder at the man's folly, nay, even find it incomprehensible. How could he hope to attain anything by such means? Let us think for a moment of the year 623. In that year Deut. is said to have indeed abolished the

high places, but to have expressly permitted the priests of the high places to perform priestly service in Jerusalem as well as their brethren (see Deut. xviii. 6. We saw above that this idea was quite impossible, p. 31). Deut. is said, moreover, to have been carried out and recognised ; only this enactment had never prevailed (see 2 Kings xxiii. 9), and the Levitical priests had themselves neglected to appeal to Deut. for their rights. (Again an impossibility ; see above.) Now, in the exile, Ezekiel comes and is not contented that these unhappy people had been thrown out of their calling and means of subsistence, but assigns to them a quite subordinate position, and that too as a punishment, although they had been quite innocent. Did it not occur to him at all that the degraded priests would rise as one man and unsparingly disclose his objectionable mode of action ? In reality criticism assumes that he could not succeed in this way. Stiff battles must have taken place such as are mirrored in Num. xvi. The authors of PC would therefore have founded differently the position of the Levites—a point on which something must be said later on. At any rate it ought to be supposed that Ezekiel himself must have been clever enough to see that he could not thus attain his object ; that did not require much penetration. Even a child will defend itself energetically if it is blamed and punished although

132 ARE THE CRITICS RIGHT ?

it is in the right. But here it was men who were in question, men whose whole position was being ruined and to whom a perpetual stain was being attached.

And yet the prophet, with his short-sightedness, had once more an unheard-of good fortune. The position of the Levites might be otherwise founded in PC, the restriction of the priesthood to the sons of Zadok might not be discontinued ; but the prophet would have nevertheless attained what he wanted. From that moment the separation of priests and Levites would be taken in hand, and in the scanty number of the Levites who returned after the exile in the year 528 (74 ; see Ezra ii. 40) the plainest proof is discovered for the correctness of the modern view of Ez. xliv. ; though very erroneously. If it was really as criticism represents, it would be a cause of the utmost astonishment if, after the irritating treatment, even a single Levite had returned to perform the penal service, whilst, besides, it is not so very difficult to understand that few serving Levites returned ; according to our view of Ez. xliv. their position was of so little consequence to them that they had been able to hand it over to heathen strangers. But, moreover, it is also probable that a further division had already taken place at that time among the serving staff, so that the singers, the porters, and the temple-servants (Ezra ii. 41, 42,

43) were Levites by descent quite as much as the priests, only that by the expression "Levites" they were not meant any more than the priests, but the meaning was restricted to a definite grade within the serving staff (see Neh. xii. 44-47 ; xiii. 10). Then the 74 Levites, Ezra ii., are really quite harmless, since at least the singers and porters, and perhaps also the temple-servants, were also Levites, even though they were no longer described as such (see also 1 Chr. xxiii.-xxvi.).

(e) Modern criticism is, besides, very unwise to appeal to Ezra ii. For how does it propose to explain the large number of priests (4289) if, first of all, according to Ezek. xlv., only the sons of Zadok were still priests?

Ezra ii.
does not
support
the critical
view.

In addition to this is the fact that one cannot understand how the intention of Ezekiel had been so hastily carried out, since he intends his new order only for the time after the building of the new temple, in which the sons of Zadok and the degraded priests of the sanctuary were to perform their service, and since nothing else of Ezekiel's programme seems to have been executed.

(f) If we here proceed at once to the further development which the question of priests and Levites has assumed in modern criticism, it may be shown from this also how utterly untenable the modern conclusions are.

The
critical
theory
credits the
authors of
PC with
astound-
ing folly.

Since in the year 458 the Levites again showed

134 ARE THE CRITICS RIGHT?

little desire to return, and the hostility of the degraded priests to the irritating purpose of Ezekiel found vent (as Num. xvi. and foll. is to be read), it was at last perceived in priestly circles, according to criticism (see Kautzsch, p. 194), that the position of the Levites must be founded otherwise than in Ezekiel, in order to succeed really and permanently with that innovation; it was clear that Ezekiel had made a complete mistake with his "moral mantle" which he had thrown over "the logic of facts." They were therefore cleverer than Ezekiel, it would appear. And yet on closer consideration the conduct of the priests would be still more foolish. Let us assume that Ezekiel had prepared the degradation and appointed it as punishment. The opposition to it is so intelligible that the lack of it would be strange. There were now, in my opinion, only two reasonable ways: either the demand of Ezekiel was allowed to fall to the ground entirely and the distinction between priests and Levites was not introduced at all—in other words, was given up again—or with reckless consistency the demand of Ezekiel was tenaciously adhered to and appeal was made to the fact that God had announced through the prophet His unchangeable will. The authors of PC take a third way; they seek to sweeten the bitter pill for the Levites, and to reconcile them to their inferior position, by

representing their service no longer as a punishment but as an honour. "According to Ezekiel xliv. 10 and foll. the condemnation of the priests of the sanctuary to an inferior service in the holy place was a merited punishment; according to the Priestly Code the service of the Levites is by virtue of Divine appointment an honourable office of which they might be proud" (Kautzsch, p. 194). Even here we refrain from passing judgment on the morality of such conduct, but we hope that many a reader will be repelled by the questionable methods to which criticism has again to resort.

Here, too, we only confirm the incredible folly of the authors of PC and its still more incredible result.

How could they even hope to attain anything in such a way? If the Levites had previously refused, their refusal must now have been really challenged; or was it really so difficult to observe that the case was quite differently represented here from the way Ezekiel put it? No; they would only have exposed themselves, and in the feeble yielding on the part of the priests it was quite evident that they felt themselves insecure in their position, and that they were quite convicted of being in the wrong and of doing wrong. No doubt the state of affairs would have been altered and concealed by taking refuge under the authority of Moses. But even this could not succeed. The

136 ARE THE CRITICS RIGHT?

degraded Levites required only to point to the history and to the fact that down to the time of Ezekiel nothing was known (as criticism assumes) of a distinction between priests and Levites, and that he had nevertheless clearly and plainly (again speaking in the sense of the critics) introduced the position for the first time. And, further, they could protect themselves with Deut. and thus set law against law. Here it was surely quite clear that Moses knew nothing of a distinction between priests and Levites, but recognised all Levites as entitled to the priesthood. Incidents such as that of Num. xvi. and foll. might be found ten times over; in Deut. there was the last will of the great lawgiver. In short, all the arguments which we made valid generally under the "Criticism of the modern result" repeat themselves here on a particular point with increased force. The authors of PC must have said to themselves that the Levites, whose position was at stake, would leave no stone unturned to spy out any weak points which the priests presented, to discover inconsistencies, and at any rate to adduce everything which could be adduced at all in their own favour.

If we are to follow the critics we must credit the authors of PC with such folly. But now a further miracle takes place: the opposition is silenced as if in a moment. The priests have

more good luck than good sense. They succeed with their new establishment of the position of Levites. The Levites themselves fulfil their office and have not the slightest idea of cherishing any mistrust against the new Book of the Law ; they had indeed joined in subscribing their obedience to it (Neh. x. 1, 10-13), and the rest had associated themselves with them (Neh. x. 28, 29).

In short, the Graf - Wellhausen hypothesis shows itself in this point also to be a really monstrous construction of history ; it makes unprecedented demands on its adherents, and creates difficulties in comparison with which those urged by Wellhausen are mere child's play.

The position is not, moreover, made more probable by the fact that P considers not merely the sons of Zadok, but all the sons of Aaron, entitled to the priesthood. What does this extension mean? If we are to find therein a further confirmation of the view that Ezekiel's enactment was not successful and that others had to be admitted to the priesthood, then what has been above adduced would be sufficient on this point. We should have to conclude that the remaining Levites had appealed to such cases of precedent. But if no confirmation is to be found in the extension by P, then we are confronted by a puzzle. What, in this case, is the meaning of the introduction of the two sons of

Aaron, Nadab and Abihu (Lev. x.), who die without leaving any descendants? Before we refer to a further difference between PC and Ezekiel xliv., which remains unexplained by criticism, let us in this connexion, where we have spoken of the priests the sons of Zadok, call attention to a strange assertion of the newer critics. It is asserted that Zadok was "the beginner of an absolutely new line" which could not trace its origin farther back than the commencement of the time of the Kings (see Wellhausen, p. 123). Since, however, it was desired to let the claim of his descendants to the priesthood appear justifiable, the aid of a Divine revelation had to be sought. For this purpose the prophecy to Eli (1 Sam. ii. 27 and foll.) arose, which is supposed to have originated with the Deuteronomist.

But if it was so generally known down to the time of the exile, that Zadok by descent had no claims to the priesthood, then the following points are quite unintelligible:—

1. Deut., originating in the seventh century, is supposed to have reference to existing conditions throughout. How, then, could it emphasise the Levitical descent of the priests (see the expression הַכֹּהֲנִים הַלֵּוִיִּם, *e.g.*, in xviii. 1) if the very centre of the priesthood did not possess this descent?

2. How could it occur to one who wrote in the sense of Deut. to make Zadok legitimate in a

manner which contradicted the requirements of Deut., inasmuch as he showed that Zadok was not a Levite (1 Sam. ii. 27 and foll.)? ¹

3. How can Ezekiel, a few years later, in contradiction to tradition and the passage just quoted, assume as self-evident that Zadok was of Levitical descent (see Ezek. xl. 46, xliii. 19, xliv. 15)?

Here, therefore, is once more quite a nest of contradictions, if we accept the assumptions of criticism. 1 Sam. ii. 27 has been entirely misunderstood and arbitrarily interpreted.

But to return to Ezek. xliv. If the authors of PC had depended on Ezekiel, they would certainly have taken up also the duties of the newly-created office. According to Ezek. xliv. there was not merely assigned to the inferior Levites the care of the sanctuary (comp. vers. 8 and 14 with Num. xviii. 3 and foll.); they had also to slay the burnt offerings and the sacrifices for the people (ver. 11) and to boil the sacrifices (xlvi. 24). Of

¹ The author, Mr. Möller, in reply to an inquiry about this paragraph, says: "1 Sam. ii. 27 and foll. has, in my opinion, not the slightest reference to Zadok in the sense which Wellhausen means. This reference is introduced into it for the first time by Wellhausen, and that, too, without any proof, but purely on the basis of a hypothesis. Zadok is mentioned as priest under David, 2 Sam. xx. 25 (comp. 1 Kings i. 34), along with Abiathar; the latter is deposed, 1 Kings ii. 27; here there is a reference to 1 Sam. ii. 27 and foll. But that, conversely, 1 Sam. ii. 27 and foll. first originated, *ex eventu*, in order to legitimise Zadok, who is thenceforth high-priest (comp. Ezek. xl.-xlviii.) is a pure assumption, which I have endeavoured to refute above."—TRANS.

this there is not a word in P. There the chief function of the Levites is the transport of the tabernacle (see Num. iii.). If then the chronicler expressly declares (1 Chron. xxiii. 25 and foll.) that the privileges of the Levites were extended under David (cf. also 2 Chron. xxx. 17, xxxv. 11 and foll.), there is in this fact not only a confirmation of the historical truth of the Chronicle, which was very unlikely to alter P, but also an evidence that the deviations of Ezek. from P are explained by the development in the course of the history. On the other hand, the deviation of PC from Ezekiel is incomprehensible.

The true
sequence
is P—
Ezekiel,
not
Ezekiel
—P.

Ezekiel xliv. 4 and foll. has therefore become a proof-passage against the modern hypothesis. Let us repeat the most important points. *PC must be earlier than Ezekiel*; for otherwise the prophet could not reproach the Israelites for appointing heathen strangers to the care of the temple which had been imposed as a duty upon themselves; otherwise, after the degradation in xliv. 9 and foll. he could not assume and introduce without further comment, as if well known, the distinction between "priests" and "Levites" (xlvi. 11, 13); otherwise he could not have given to the degraded ones the hitherto honourable title of the priests—"Levites." The modern view of Ezek. xliv. breaks down further in this that Ezekiel would punish the priests of the

PC MUST PRECEDE EZEKIEL 141

sanctuary for something that they could not help ; here neither the prophet's action nor its consequence would be intelligible. We had to say the same in regard to the authors of PC, who would have deviated incomprehensibly from Ezekiel in the establishment of the new office, in the extension of the priesthood to all the sons of Aaron, and in the definition of the duties of the Levites. Finally, the rapid execution of this particular enactment of Ezekiel would be quite unintelligible. If we add § 1, the complete result is that the true sequence is not Ezekiel—P, but P—Ezekiel.

(γ) Even in the case of the argument which modern criticism deduces from history it cannot be our task to remove all difficulties ; we shall content ourselves with indicating the lines on which they may be met. We are above all anxious here to show the false principles on which criticism has proceeded.

1. When it is asserted that there are no traces of PC in the history before 444, we must first make it clear what we are to understand by this. Allusion has often been made above to the frequent assertion of criticism that PC only codified the practice and reduced it to a system (see p. 66 and foll.). But if we ask for traces, it quickly

Relation
of the
history,
down to
444, to the
Priestly
Code.

Are there
no traces
of PC
in the
history
before
444 ?

falls back upon the artificial distinction between usage and codified law, and asserts that here there is only usage. In how many cases, however, will the historian be in a position to say whether something takes place only from usage or from obedience to a law? Apart, therefore, from what we have said above ("Criticism of the modern result," § 2) against this view of PC, I find that it is asking too much if we are not content with such proofs in a general way, but demand quite unequivocal evidences that the subject is not merely the contents of PC generally, or a usage, but a codified law. Then the literature before 444 must appear similar to the historical work of the chronicler (Ezra, Nehemiah, Chronicles), which certainly regards the history from the point of view of PC. Let us think for a moment of this historical work. Where do we find, then, in the other literature after 444 such clear traces of the existence of PC? And how much is now transferred by criticism to this period—think of the numerous sections of the prophetic books and the Psalter! Nay, even in the Psalms which praise the Law (Ps. i., xix., and especially cxix.) I can find no specific traces of PC. This might restrain us from making too extravagant demands on the period before 444.

In PC the ritual is regulated down to the most minute detail; certainly the life of the individual

Israelite was influenced by it also in a high degree if he adhered to PC. But in history that which regularly happens is not usually mentioned specially, because it is regarded as self-evident and is familiar to every one. Of this kind are the customs of daily life and purely legal enactments and their observance, and so it follows that before as well as immediately after 444 PC might often remain unnoticed. Wellhausen has skilfully used the first argument, and has known how to take advantage of it for his hypothesis ; the second, on the other hand, he has ignored.

But if we are once convinced of the fact that the conditions after 444 were not essentially different from what they were before it, it follows either that that conclusion was not justified for the period before 444, or else that we must come much farther down with PC. Besides, if we wanted to build as much on the traces of the Books of the Covenant as on those of PC, we could quite as easily place them as late as 444 ; of this we shall speak in the next section.

Further, it is not the case that there would be no traces of PC before 444. We will not follow them up in detail, but only examine the arbitrary action of criticism in relation to such traces.

All passages from P, as, *e.g.*, the note in Jos. xviii. 1, that the tabernacle of the congregation was set up in Shiloh, are *a priori* regarded by it

as unhistorical. Here two things are at once mixed up which should be strictly kept separate. That is to say, it is quite a different thing whether I regard the history of a people from a particular standpoint, and consequently emphasise and render prominent those features, and only those, which harmonise with that standpoint, or whether I not merely bring out those features but invent them. To the former there is no objection except that it is a one-sided action; the latter deserves the reproach of being the grossest falsification of history. On the critical theory the reproach would fit JE, which invents the history of the patriarchs in accordance with the religious-ethical conditions of the time of the prophets, the Deuteronomist (see the discussion on Deut. § 6), and the authors of PC, who would have not merely regarded history from a one-sided point of view, but expressly falsified it.

The
critics'
"history"
is itself
quite un-
historical.

Against this we must enter the emphatic objection, not only that it is in itself a quite arbitrary assertion, incapable of proof, not only that those men appear again in a very peculiar light, not only that with quite as much right we may set down as unhistorical and reject the narrative in 2 Kings xxii. and foll. and Neh. viii.-x., but that, viewed rationally, it is simply unthinkable and would stand quite alone in the history of nations. Let us suppose that some one in the

sixteenth century wanted to write German history and would ascribe the art of printing to the ancient Germans; another in the beginning of our century would assume the steam printing-press as already in use in the most ancient times. One would describe our ancestors as travelling by railroad; another would have them using the electric light. Would we submit to this or place implicit confidence in such a disfigurement of history? In the history of Israel such a process would have been repeated three times in succession; three times the Israelites would have allowed a completely different representation of their history to be imposed upon them; three times they are so good as to submit to this as well as to the three mutually contradictory—yet introduced as Mosaic—collections of laws.

How foolish, truly, is this people! But how foolish also the authors! They alter the history agreeably to their own opinion, and not only introduce their own principles and points of view, but they invent histories to suit these, and yet allow to remain beside them the old narratives which contradict them and expressly exclude them.

Thus, then, there is on the one side an incomprehensible impiety toward history, and on the other a still more incomprehensible reverence for other sources. Because such a method of treating Israelitish history is a monstrosity which carries

the stamp of impossibility on the face of it, nothing remains but to assume that the various narratives do not mutually exclude, but supplement one another. Each of them gives true history, even though one-sidedly from a particular point of view; but it is certainly not the case that what is narrated by each of them is pure invention, for then the earlier narratives would not have been allowed to remain calmly beside them.

Applying this to the special case before us, we must regard it as wrong to brand as unhistorical, without further explanation, all historical references in P. It holds good here and elsewhere:—Either I must use most conscientiously the comparatively rare references to Israelitish history in re-stating them, or I must regard them as unhistorical and thus disable myself completely from knowing anything certain about that history. For I repeat that we only require to apply to Nehemiah viii.-x. for PC the principle of method applied by modern criticism to 2 Kings xxii. and foll. for Deut., which would only be consistent, and the Graf-Wellhausen hypothesis is entirely in the air! The procedure of the critics in treating the sources so arbitrarily, and at the same time wanting to draw a faithful historical picture, is a *contradictio in adjecto* and forfeits *a priori* every pretence to credibility.

Besides, it is not enough for the critics to reject

only the traces which are ascribed to PC itself as *eo ipso* unhistorical, because by this means alone it would not attain its object. If other traces are found, they prefer to choose any other explanation, so as not to be compelled to admit that there are actually influences of P to be found. They either help themselves in the way indicated above, and say that the reference is only to a usage but not to the observance of a codified law, or they assign such passages to a late date, a strange *petitio principii* (see Judges xix.-xxi.), or they brush aside the words in question as glosses, without being able to assign the slightest reason for doing so; thus, *e.g.*, in the new translation by Kautzsch, in the expression הַכֹּהֵן הַגָּדוֹל in 2 Kings xxii. 4, 8, xxiii. 4, the הַגָּדוֹל is simply regarded as a gloss, without it being thought necessary to assign any reason. And then it is maintained that there is no trace of the high-priest before the exile! But in this fashion anything may be proved, or at least maintained. There is here an end to all scientific procedure, and they are quite unjustified in boasting of their historical method.

We do not stop to indicate in detail such traces in the pre-exilic period (see, *e.g.*, 1 Sam. ii. 11 and foll., where the conduct of the sons of Eli at the sacrifice is regarded as a grave offence; see vers. 16, 17, which assume the transgression of enactments like Lev. vii. 30, 32, x. 15; Ex. xxix. 30, 31; Lev. viii.

31 ; Num. vi. 19, 20 ; Lev. vii. 29-32 ; see Köhler, ii. p. 13, note 2, and Strack's *Einleitung*, § 13, 3). It is clear that according to the principles referred to they would be set aside with a smile.

Let us only call attention here to the fairly numerous traces immediately after the exile. They are found therefore at a time when they must be very unwelcome to modern criticism, since they really are only justified in appearing in 444 for the first time. For it was hitherto one of the principal levers for unhinging the earlier view and assigning PC to the time shortly before 444, to assert that the contents of the law promulgated in Neh. viii.-x. was something totally new to the people (see above, "Criticism of the modern result," § 1, and Kautzsch, p. 194). But now since the return from the exile not only is the distinction between priests and Levites, about which we spoke above, quite self-evident (see Ezra ii. 36, 40 ; Neh. vii. 39, 43), but even the high-priest, whom Ezekiel is supposed not to have known (according to criticism he did not even know the Feast of Weeks, see above), appears all of a sudden (see Hag. i. 1 ; Zech. iii. 6, 10 and foll.), and nowhere is there any mention of the introduction of this highly important institution. How is this conceivable, and how does it harmonise with the other principles of criticism ? For this priest Urim and Thummim are wanting, which belonged to him

according to Exod. xxviii. 30 (see Ezra ii. 63; Neh. vii. 65). The question of Haggai (Hag. ii. 11 and foll.) presupposes that the Thora of the priests covered such questions of ritual, and the answer is given in accordance with Lev. vi. 20, Num. xix. 22. The prophet Malachi, whom criticism places before 444, is nevertheless regarded by it as Levitical through and through, and presupposes the enactments of PC on the tithe, see iii. 8-10 (comp. Nowack, *Kleine Propheten*, on this passage).

Ps. xl., on account of its polemic against sacrifice, is brought down by criticism to the exile; in verse 7 the sin offering, which is only minutely described in P (see Lev. iv.), is assumed as something well known. Similarly P is presupposed in Ezra vi. 8 and foll. Should it be said in reply that PC became naturalised by degrees in its various sections, then not only is that argument abandoned that in Neh. viii.-x. something quite new is introduced, but the whole position is made much more difficult than it is already; for then the people must have allowed themselves to be deceived still oftener, and believed that enactments differing from one another and hitherto entirely unknown were nevertheless Mosaic.

We have shown that criticism in its demand for traces is too audacious; that, further, it is arbitrary for it to deny all credibility to the

150 ARE THE CRITICS RIGHT?

historical references of PC and to brush aside other traces simply as glosses, and that finally it is impossible for it to do anything with the traces before 444. The result is that the *argumentum e silentio* either proves nothing or can only be made applicable by the arbitrariness of modern criticism, or finally directs itself against the critics themselves, inasmuch as what they demand is actually in existence before 444.

That the enactments of PC were violated is no proof that they did not exist.

2. Let us now turn to the argument that PC cannot be pre-exilic, because it was so generally violated. But here also far too much is at once concluded. Let this principle be consistently carried out and it will be seen whither it will lead.

The Book of the Covenant was in existence, according to criticism, for several centuries, and yet it was not able to prevent the abominations, described in 2 Kings xxiii., which were forbidden by it (see "Criticism of the modern date of Deuteronomy," § 1). It must therefore, to be consistent, have originated only after 623. But we must come down to a still later date with it. Inter-marriage with the heathen inhabitants of the land was clearly forbidden (Ex. xxxiv. 16); yet even in the middle of the fifth century they gave themselves little concern about it (see Mal. ii. 10 and foll.; Ezra ix. 1 and foll.; Neh. x. 30, 31; xiii. 23 and foll.). Therefore it could not yet

have been in existence at that time. The same holds good of Deut., which contains the same enactment (Deut. vii. 3).

Deut. must also, therefore, necessarily be placed after the exile, because the offences censured by it were in existence quite as much after 623 as before it, which is freely conceded by Wellhausen. The narrative in 2 Kings xxii., xxiii. must therefore rest upon fiction, as is assumed also with regard to the reformation of worship under Hezekiah, 2 Kings xviii.

Further, Nehemiah viii.-x. must also rest upon fiction, for the newly-introduced Book of the Law is immediately violated (see Neh. xiii. 10 and foll.).

In short, it is a quite erroneous principle to infer the non-existence of a law from the fact of its violation. If PC is to go back to Moses, it is not at all strange if the Israelites violate it immediately (see Ex. xxxii. ; Lev. xvii. 7 ; Deut. xii. 8 ; Ezek. xx.) and after their immigration ; on the contrary, it would be a source of infinite wonder if they had not deviated from it to the right or to the left. For we surely will not forget that those laws did not spring from the spirit of the people any more than the Books of the Covenant and Deut., but that, according to the Bible narrative, they were rather given to the people from above—one might even say, forced upon them—against the will and inclinations of

the latter—proof enough that it required a long education finally to bend the stiff neck of the unbending, disobedient, ungodly race, and to secure recognition for the Divine commands.

It may be very obvious to the intellect if the development of the people proceeds more smoothly, although even according to the modern hypothesis it is not at all smooth, as the above-quoted examples prove ; but this development is only an intellectual abstraction and contradicts the Biblical views as well as the other processes of history and the history of salvation.

What would be said to the following construction of Church history? If we consider the New Testament, we stumble on an intolerable contradiction: Jesus demands the observance of the law which He has intensified and makes salvation dependent upon works (see, *e.g.*, Matt. v.-vii. ; vii. 21 ; xxv. 31 and foll.). We find the same elsewhere, as, *e.g.*, in James ii. 14 and foll. ; in St. Paul's Rom. ii. 6, ii. 13, xiv. 10 and foll. ; 2 Cor. v. 10 ; Gal. vi. 7 and foll., and frequently. Alongside of this there appears another view quite irreconcilable with it, that of justification by faith, with which everything else is given, even the assurance of future perfection. But if we consider the development of Church history, the latter idea disappears almost entirely: the few traces which are to be found of justification by faith alone are

extremely suspicious ; for there is always at hand the other rule that it depends upon our works.

It is quite otherwise since the sixteenth century ; then the Pauline doctrine comes to the front. There can be no doubt that Luther did not bring it to light out of the past, but it was his own work, born from his own particular experience. Convinced of its truth, he wanted to make it accessible to others. But he could not anticipate much success if he, the simple monk, did not conceal himself behind a higher authority. He chose Paul and interpolated his own view in St. Paul's epistles. There arose no opposition. That which was Luther's own production appeared to his contemporaries as reformation. Zealous adherents of his then compared the Church history with the supplemented St. Paul, and as it contained no traces they interpolated them.

Such a construction of history would be laughed at, and the men who put it forward would be considered fit for an asylum ; and yet we would have a fairly exact analogy to the Graf-Wellhausen hypothesis. No one will advance that suggestion, because we possess a much too thorough literature of the whole of Church history from its very beginnings. Nevertheless the illustration is instructive. It shows us that the full revelation was made in Christendom at the beginning, that then there could come a time of

perversion, so that even the most pious understood it fully only at rare moments, and that after several centuries a return to it took place, only indeed to lead to torpidity in the age of orthodoxy. Is it so improbable for the old Covenant that the highest stood at the top of the history of the people, prepared for, of course, by the Divine leading of the patriarchs ; that then a period follows of complete falling-away, of neglect and rejection of the prescribed rules, even on the part of the most pious ; and that then only after a long education the people are led to an acknowledgment of the Divine laws ?

This is development ; for the result is here aspired after from the first ; it is included like a germ in the beginning, in the principle. According to modern criticism, on the other hand, notwithstanding assertions to the contrary, there is no development at all ; for the sequel never grows organically out of what goes before, but follows at a jump and is dependent upon chance circumstances. Thus Deut. represents a revolution as compared with the Books of the Covenant ; for we saw how criticism failed in deducing from the history the demand for concentration of worship. Similarly, P is not the necessary development of the preceding history (see "Criticism of the modern result," § 2), and is equally antagonistic to Deut. But the other arguments which have been put

forward against the Mosaic origin (the impossibility of the tabernacle, etc.) have been long since refuted by Hengstenberg, Hävernicks, and others. Here also we are dealing of course not with details but with the whole ; PC may have been codified only at a later date ; particular enactments may have been constantly added to the parent stem ; this may be the subject of further scientific inquiry. What concerns us is that the ritual legislation in its main features may be attributed to Moses, even though the whole of the later period down to the exile were nothing but one great transgression, and in support of this we can appeal to the attitude of the Roman Catholic Church to justification by faith.

We need not wonder that the wildness of the people seems so great even in the times of the Judges. If, according to the original sources, the people with the brazen neck were never successfully held in obedience during the journeyings in the wilderness (see Lev. xvii. 7 even in P ! ; Deut. xii. 8 ; Ezek. xx. ; Am. v. 25 and foll. ; and especially Ex. xxii., the story of the golden calf), although they had just seen the greatest miracles of their God, although they were under the authority of Moses, although the whole people was there kept together, we cannot expect anything better of the times of the Judges in which the unity was broken, the tribes mingled with

the Canaanites, the unifying head was wanting ; besides, nothing is usually more quickly forgotten than benefits received.

But how difficult it must have been to restore order after the Divine commandments had once been allowed to pass out of notice ! What has been said must suffice, I think, to explain even the widest deviations from the Mosaic laws. We do not require, therefore, to discuss the passages adduced by criticism, but we could admit them all and yet would not be obliged to arrive at Wellhausen's result. The illustration from Church history and the corrupt conditions of the time of the Judges would be quite adequate to explain how the law might be transgressed even by the most pious without this being regarded as a sin. Let us recall also our first inquiry, where we showed that the Book of the Covenant condemned almost all the abominations censured in 2 Kings xxiii., and yet the pious king Josiah allowed them to pass as something unforbidden without taking offence at them until the discovery of Deut.

Yet we are of opinion that the picture of pre-exilic history, assuming the Mosaic origin of PC, has been painted quite too black by Wellhausen, and that the offences have in many cases been created by criticism, whilst it ignores all the attempts to remove or to modify the difficulties.

When in the times of the Judges devout people frequently offer sacrifice at places agreeable to them, in the first place it is not a regular worship that is referred to, but always a single offering; and further, such sacrifices are always mentioned in connexion with a theophany (see Judges ii. 1-5, vi., xiii.), and in some cases they even occur at the express command of Jahwe (Judges vi. 25); must He not be able to remove a command which He had given? Nay, were not the persons mentioned acting in accordance with the law (Ex. xx. 24) which permitted them to sacrifice in every place where Jahwe caused His name to be remembered, *i.e.* where He specially revealed Himself?

The case is somewhat different with the observances of worship in the period from the defeat of the Israelites by the Philistines described in 1 Sam. iv. down to the building of the temple. Köhler and others have rightly noted that it follows from passages like Jer. vii. 12-15, Psalm lxxviii. 60 and foll., not only that in the time of Jeremiah Shiloh was regarded as the central holy place before the choice of Jerusalem (see "Criticism of the modern date of Deut.," § 6)—for no other of the holy places is put on a level with Jerusalem—but, above all, that with that defeat there came a rejection of this central sanctuary, and that until the selection of Jerusalem Jahwe did not

wish to have any place of continual revelation of His grace any more. This is confirmed by the fact that the ark after its return from the land of the Philistines to Kirjath-jearim was brought into a private house (1 Sam. vii. 1), but not to Nob, whither the priests had betaken themselves and the tabernacle had been brought (see 1 Sam. xxi., xxii., especially xxi. 6). But with the central sanctuary there fell to the ground, naturally, all the enactments of P, for these were closely bound up with it. If this hypothesis, which is rendered probable by the particulars given, is correct, then it is evident that the ritual observances of this period cannot be adduced either for or against the earlier existence and validity of PC.

In this period are included also the kingly offerings adduced by criticism. Even the chronicler, who elsewhere writes always in the spirit of P and treats and judges the history from that standpoint, does not take the slightest offence, *e.g.*, at the sacrifices and priestly actions of Solomon (see 2 Chron. i. 6, vi. 1-4, vii. 1-7). After the temple is consecrated, on the other hand, and the old order restored along with it, the chronicler does not allow priestly actions to the kings any longer; this is clear from 2 Chron. xxvi. 16 and foll., where Uzziah's burnt offering is regarded as a transgression and is punished. According to this, therefore, the time before the

consecration of the temple seems, even in the purely Levitical view, to occupy an exceptional position, and it was not considered at all necessary to represent even that period as a time in which P was an authority. If, however, the chronicler did not once do that, we shall see therein a proof of the correctness of the above view.

If we come farther down, no proof can be produced that in the southern kingdom, with the exception of some specially dark periods, the violations of PC were regarded as something warranted. It is certainly different in the period shortly before 623; at that time King Josiah takes no offence at the abominations. But as they were already forbidden in the Books of the Covenant, and as these are admitted to have been then a long time in existence and to have possessed Mosaic authority, nothing can of course be argued from this in favour of the non-existence of P. Moreover, we shall never find out whether P ceased in the time of the Kings, and to what extent, as long as we give no credence to the Chronicles.

In the northern kingdom the circumstances again were quite exceptional; there we have the sacrifice of Elijah on Carmel, and similarly his complaint, "They have thrown down thine altars" (1 Kings xviii. 32 and foll., xix. 10). But if the separation of the two kingdoms had taken place in accordance with God's will, it was clear from

the first that Israel could not have part in the central sanctuary at Jerusalem, and that all enactments given regarding it fell therewith to the ground. As, moreover, the devout Israelites could not share the impious worship of images at Bethel or Dan, they simply erected altars for themselves throughout the land.

I do not see that these attempts at explanation have anything improbable in them; but if they are rejected, it is still not necessary, after what has been adduced above, to fall back on the acceptance of the Graf-Wellhausen hypothesis.

III. *Criticism of the Modern Dating of the Books of the Covenant*

After we have discussed separately the modern date of Deut. and PC, and have in both cases arrived at the conclusion of their untenability, there remains finally the same problem in regard to the precepts of the law in Ex. xx.-xxiii. and xxxiv., which are incorporated in J and E and also profess to have been given by Moses (Ex. xxiv. 3, xxxiv. 27). Here also we shall put ourselves from the outset in the place of the critics, according to whom these precepts of the law originated long after Moses but at least before the major prophets, and we shall here lay all the emphasis on the fact that the principles applied

by criticism to the date of D and P make this date of the Books of the Covenant impossible.

1. We turn at once to the consideration of the passage which is supposed to require the modern date of the Books of the Covenant, Ex. xx. 24 : "An altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings and thy peace offerings, thy sheep and thine oxen ; in all places where I record my name " (more accurately, "where I shall bring my name to remembrance," see p. 101 note) "I will come unto thee and will bless thee." According to Wellhausen (p. 30) this passage means that they might offer sacrifice to Jahwe in any place. This is said to harmonise exactly with the practice before 623, and also with the picture which the original narratives J and E, originating in that period, give of the observance of worship by the patriarchs ; the passage therefore belongs to that period. The latter is evidently only of force if the narratives about the patriarchs are not historical, and if it is assumed that E and J simply dated back the conditions of their own time to the time of the patriarchs ; otherwise there is of course no appropriateness in it, inasmuch as the patriarchs could know nothing of the Mosaic legislation, and therefore naturally sacrificed wherever they pleased. We have already shown in our previous discussion

This date is contradicted by the principles applied by the critics to Deut. and PC.

("Relation of the history down to 444 to the Priestly Code") what is to be thought of all this unhistorical mode of treatment. But, as we have said, we desire to place ourselves at the standpoint of our opponents. From that point no one will really dispute the fact that the patriarchs offer sacrifice wherever they please. In the same way the pre-exilic history of Israel would agree with this view of Ex. xx. 24, if the picture drawn by Wellhausen is correct. Then, too, sacrifice was offered at any place that suited. But then it remains absolutely incomprehensible how a legal enactment could still be issued, since it was a matter of course for every one that he could offer sacrifice anywhere.

It must be added that the passage Ex. xx. 24 does not prove what it is supposed to prove. It is expressly said, "in every place where I bring my name to remembrance." If this limitation be added, Ex. xx. 24 does not adapt itself to the history of the patriarchs; for they know nothing of that limitation, but sacrifice everywhere. Just as little does it agree with the modern view of the pre-exilic history; for there that limitation has equally no meaning, and thus, according to the modern view itself, there appears a critical difference between law and history.

Further, the Book of the Law will not agree with the time to which criticism assigns it, if once

we apply the canons of criticism which previously led to the modern view of D, and especially of P. We have already discussed most of the arguments, and here only sum them up again.

We begin with the *argumentum e silentio*. Where, then, do we find in the history the clear, unmistakable traces of the Books of the Covenant? The mere use is not enough; no, we must consistently ask for traces which put the codified law beyond any doubt. If they cannot be found, we are not justified in placing the Books of the Covenant so early. And as a matter of fact they are not found. "Thus the prophets (not even Hosea iv. 2) never appeal unmistakably to the Decalogue" (Bredenkamp, p. 54). Or if we consider the three principal Feasts which the Books of the Covenant enjoin (Ex. xxiii. 14-18; xxxiv. 18-25), it is nowhere stated that these Feasts were observed out of obedience to the Books of the Covenant. But if we were willing to be content with the general references of the prophets (Is. i.; Amos v.; Hosea ii. 13, etc.) and to assume further that Judges xxi. 19, 20; 1 Sam. i. 3, 20, 21, refer definitely to the Feast of Tabernacles, and Is. xxx. 29 to the Passover, there would still be lacking confirmation for the Feast of Weeks. 1 Kings ix. 25 is much too general, and, besides, is to be suspected as being Deuteronomist! 2 Chron. viii. 13 cannot, of course, apply. If we

add that even Ezekiel (xlvi. 18 and foll.) only knows the Passover and Feast of Tabernacles, but makes no mention, on the other hand, of the Feast of Weeks, it can admit of no doubt that the Books of the Covenant are post-exilic.

The same result follows if we reflect that in Ezek. xl.-xlviii. there is no allusion to the Books of the Covenant. This will lead to absolute certainty if we compare Ezek. xliii. 17 with Ex. xx. 25, 26. Whereas Ezekiel regarded it as quite unobjectionable to put steps to his altar, the author of the Books of the Covenant was more strict and most emphatically prohibited them.

That the Books of the Covenant are to be placed after the Exile, though not perhaps before the prophetic books, is clear not only from the absence of definite traces, but also from the attitude of the prophets to sacrifices and feasts. Am. iv. 4, v. 21 and foll.; Hos. vi. 6; Mic. vi. 6; Is. i. 11 and foll.; Jer. vi. 20, vii. 21 and foll.; Ps. xl. 1, li., express themselves so decidedly against all sacrifice that they could not possibly have been acquainted with the Books of the Covenant, for these enjoin sacrifice (Ex. xx. 24 and foll., xxii. 19, xxiii. 18, xxxiv. 25) and themselves record sacrifice (Ex. xxiv. 5 and foll.). In the same way Is. i. 12 and foll., Am. v. 21 and foll., absolutely reject the Feasts, which the

Books of the Covenant quite as absolutely enjoin (Ex. xxiii. 14-18 ; xxxiv. 18-25).

Similarly the general violation of the Books of the Covenant until long after the Exile shows that they could not possibly have existed before it. Worship of other gods, worship of images, and witchcraft are forbidden as definitely as possible (Ex. xx. 3 and foll., 23 ; xxii. 19 ; xxiii. 13, 24 and foll. ; xxxiv. 12-17). How then would it be conceivable that so pious a king as Josiah should have tolerated all these abominations down to 623 (see 2 Kings xxii., xxiii.)? Above all, he would not have been so alarmed after the discovery of the Deuteronomic Book of the Law if he had not here been confronted by entirely new enactments. How then can we still hold to so early a date for the Books of the Covenant, unless we are willing to assume that they were permanently allowed to lie latent, which no reasonable person will do. But we must come still farther down with the Books of the Covenant. For their enactments are transgressed soon after 623 quite as much as before. Away with them, therefore, to the time of the Exile. Even this, however, is not enough. In Ex. xxxiv. 15, 16, intermingling with the heathen inhabitants is forbidden ; but as late as the year 444 they were marrying heathen wives unconcernedly ; such a prohibition, therefore, could not have been known (see

166 ARE THE CRITICS RIGHT?

Mal. ii. 10; Ez. ix. 1 and foll.; Neh. xiii. 23 and foll.).

We will stop here. Why does modern criticism not draw all these conclusions? Because it is absolutely inconsistent. If it allows the Books of the Covenant, notwithstanding the opposing instances, to remain in the place to which it removes them (namely, the time before the prophetic books), then it thereby loses the right to apply the same instances for the purpose of bringing down the Priestly Code to the year 444.

We might, besides, make exactly the same experiment with Deut., but we leave it to the reader, as we have already given the particular points of it in various places.

Impos-
sible to
place the
Books
of the
Covenant
so late.

2. We have up to this point shown that modern criticism, according to its own principles of procedure, has no right to put the Books of the Covenant so early. Now we shall indicate reasons which make it impossible to place them so late. In one respect modern criticism is better here than in relation to Deut. and PC. While in both cases we had to regard it as impossible that the authors should have chosen a Mosaic garb, because they would then have put themselves in contradiction to the already existing enactments which were recognised as Mosaic, this consideration would fall to the ground in relation to the Books

of the Covenant, since no codified Mosaic collection of laws would have been yet in existence. On the other hand, an argument now arises in intensified force, to which we had to call attention in the discussion of Deut. (§ 3). Whilst Mosaic laws must have been accessible to the authors of Deut. and completely to those of P, so that this explains why they thought themselves obliged to refer their legislative enactments back to Moses, this would not have been the case with the authors of the Books of the Covenant. How, therefore, could they arrive at the idea of ascribing to Moses these laws, which according to criticism take the standpoint of a settled people? How could they see in him the lawgiver *κατ' ἐξοχήν* if all the laws which purport to come from him are to be denied to him? To substitute other laws is not only a culpable and arbitrary way out of a difficulty, but absolutely impossible according to the principles of criticism; for then clear traces of these postulated laws must be in existence.

Moreover, it can be shown that all enactments were not, by any means, blindly attributed to Moses. Otherwise why would the institution of the Sabbath be put at the beginning of the world's history (Gen. ii. 3), circumcision performed on Abraham (Gen. xvii.), the custom of abstaining from the sinew which shrank dated back to Jacob (Gen. xxxii. 33)? Nay, even the

168 ARE THE CRITICS RIGHT?

different kinds of sacrifice which P regulates are introduced not as something new, given by Moses, but as something well known and only included and incorporated in the ritual legislation. Similarly the further division of the *personnel* of the tabernacle into courses at a later date was ascribed not to Moses but to David (1 Chron. xxiii. and foll.). Thus it is quite evident that another course was possible than attributing all laws to Moses, that everything was by no means assigned blindly to him, that accurate distinctions were made, and that it was therefore possible to discriminate as to what enactments dated from him and what did not!

The following is another difficulty. Those who introduced D and C certainly thought that they could point to certain definite points of time at which these laws were imposed (see 2 Kings xxii., xxiii.; Neh. viii.-x.). These narratives would also reflect the extraordinary impression which these new collections of laws would have made. On the other hand, we would not hear a word about the introduction of the Books of the Covenant, and yet this must have been an epoch-making event of the first rank in the history; for the first time a codified legislation going back to Moses would have been received. But the more that modern criticism proceeds on other points with the *argumentum e silentio*, the more momentous

for it is the fact that not a trace should have been preserved of any such experience.

I believe that it is the only possible course here also to go really back to Moses himself and to give credence to the Biblical narrative. That Moses gave laws at all, even such as related to ritual (PC), to external cleanliness, to agriculture, and, generally, to a settled people, should not be really considered so incomprehensible but rather natural, if we reflect that Israel came out of Egypt, where ritual was so elaborated (see Hengstenberg, *Die Bücher Moses und Ägypten*), and that Israel was not to remain in the wilderness, but was on the point of entering upon possession of the Holy Land, in order to become there a settled agricultural people. Moreover, if the Books of the Covenant had been down to the seventh century the only codified legislation, it would be a subject of extreme amazement that at a time when, even according to the admission of criticism, poetry, history, and prophecy had long been in full bloom, legal enactments should appear so limited, which elsewhere are usually drawn up at the very beginning—apart from the fact that Hosea viii. 12, notwithstanding the scorn of Wellhausen, cannot naturally be explained in any other way than that at the time of Hosea a mass of codified enactments was already in existence. Besides, it would be unintelligible that they did not

170 ARE THE CRITICS RIGHT?

carry at least to an equal extent the improvement of justice, but arrested it for several centuries down to 623, in order to content themselves with the few enactments of the Books of the Covenant.

Thus, then, the apparent correspondence between law and history is for the third time shown to be a mistake.

This concludes a large section of our inquiry.

CHAPTER II

COMPARISON OF THE LAWS WITH ONE ANOTHER

IF up to this point we have compared the laws with the time in which, according to criticism, they are supposed to have originated, but on the other hand have refrained from a comparison of the laws with one another, we would now pass on to this subject and inquire whether we can agree with the modern sequence: Books of the Covenant, Deut., P. We shall leave Ezekiel quite out of notice; we have said above all that is necessary about it, and have proved that Ez. xl.-xlviii. is not to be placed on a level with the other laws; if, however, this is done, it argues quite as much against as in favour of the modern sequence. Since, further, the priority of the Books of the Covenant to Deut. and P is to be assumed, both according to the Biblical narrative and according to the modern view, our inquiry is substantially restricted to the sequence of Deut. and P. It is only on particular points that we

172 ARE THE CRITICS RIGHT ?

shall have to take the Books of the Covenant into consideration. Here, too, we are not concerned to follow the modern positions into the minutest detail. We may content ourselves the more readily with few observations on this point, as most readers are influenced in favour of the modern theory by the apparent agreement between the laws and the history, which has been discussed above, than by the questions now at issue, which are in part extremely complicated. We have therefore already accomplished the principal part of our work ; for the priority of P to Deut., which is to be proved in this discussion, we may especially refer to the works of Dillmann and Delitzsch (as above, § 9).

I. We shall commence our inquiry with two general observations.

P alone contains ritual legislation, and therefore cannot be described as an expansion of the other two.

(a) If we consider for a moment how the view that P must be the latest of the collections of laws could so easily and so generally obtain support, the explanation appears to me to be very obvious. P has by far the most exhaustive and thorough enactments, and this seems necessarily to imply that we have here an actual extension, a completion of the other laws. But the conclusion is proved to be hasty as soon as we reflect that it is only P which contains ritual legislation ; Deut. and the Books of the Covenant do not. Deut.

describes itself particularly as a farewell address of Moses to the people, in which before his death he laid on their heart once more the enactments which specially interested him. The Mosaic element in Deut. may or may not be a mask; this at any rate it shows, that it deals with a legislation for the people, in which ritual, interesting in the first degree to the priests, had only a limited place; for the congregation had not to provide for the official worship at the central sanctuary. But it is then clear at the outset that we cannot argue anything from the more minute enactments of PC in themselves in favour of its being subsequent to Deut.

(b) It is said that the priority of Deut. is unmistakably shown by the fact that it makes no reference whatever to P, and that this would be unthinkable if P had already existed. But even if we admit that the assumption is correct and that Deut. nowhere really presupposes P, nothing is improved by the change of relationship; for then we ask with equal justice: How could P make no reference to Deut. if it had already existed? The same, precisely, holds good of the deviations and contradictions, they are *a priori* as difficult to explain in the one case as in the other. If we keep to the Biblical view, according to which PC as well as Deut. goes back to Moses, we have a thoroughly adequate reason for many

The argument that Deut. makes no reference to P cuts both ways.

variations; Deut. professes to have been given immediately before the immigration at the end of the forty years' wandering in the wilderness; quite a number of variations of earlier laws resulted naturally from this.

In the following pages we shall first deal with the passages from Deut. which presuppose P, no matter to what dates Deut. and PC may be otherwise assigned. Then we shall discuss such laws as also indeed suggest the sequence P—Deut., but are at the same time only possible if P as well as Deut. are ascribed to Moses; and finally, such as can be easily explained on the assumption of the priority of PC and the genuineness of PC and Deut., but not if we deviate from the Biblical date.

Discus-
sion of
particular
passages.

2. When in Deut. x. 1 and foll. there is a reminder how Jahwe previously commanded Moses to prepare an ark of acacia wood (comp. ver. 1 with ver. 3), it is a fact that the erection of the ark is only commanded in P (see Ex. xxv. 10-22); similarly, it is only there that it is stated that it consisted of acacia wood. Therefore Deut. must have been acquainted with PC. If, on the other hand, it is said that this is impossible because Deut. plainly is not acquainted with the tabernacle of PC, we reply that Deut. makes just as little mention of the tent of meeting, and yet modern criticism does not

therefore dispute the priority of JE to Deut. (see Ex. xxxiii. 7-11 ; Num. xi. 16, 24 and foll. ; xii. 4, 5 ; Deut. xxxi. 14, 15—this from JE according to criticism). Besides, the command in Deut. xxxi. 26, that the Book of the Law is to be laid beside the ark, is sufficient proof that a roofed-in place is presupposed for it as a matter of course. Thus, therefore, Deut. x. 1 and foll. is certainly an argument for the priority of PC.

When in the following verses, Deut. x. 8, 9, there is a reminder that Jahwe separated the tribe of Levi to bear the ark with the law (comp. Num. iv.), to stand before Jahwe as a constant servant (see, *e.g.*, Ex. xxviii. 35, 43 ; xxix. 30 ; xxx. 20) and to bless in His name (Num. vi. 23 and foll. ; Lev. ix. 22) ; when, further, in the blessing of Moses (Deut. xxxiii. 8) the Thummim and the Urim (comp. Ex. xxviii. 30), the teaching (see, *e.g.*, Lev. xiv. 57) and the sacrifices (Lev. i.-vii.) are ascribed to them, it should not be disputed that more minute instructions for the tribe of Levi than we find only in P are assumed as known. Ex. xxxii. 29 (from E) is much too general, and could not possibly have sufficed to make clear to the tribe of Levi its obligations in detail.

When in the following verse Deut. x. 9, and also xviii. 1, 2 (comp. xii. 12 ; xiv. 27, 29) it is expressly stated, Levi "shall have no inheritance

. . . *as he hath spoken unto him*," and when that command and that promise only appear in P (Num. xviii. 24, 20), it is only the greatest prejudice that can deny the dependence of Deut. upon P.

Clean and
unclean.

That the enactments about clean and unclean animals in Deut. xiv. 3-20 and Lev. xi. 2 and foll. are mutually dependent, even our opponents cannot deny. But that Deut. is not the earlier is raised above all doubt, according to the principles of criticism itself, by the character of the language of the passage, which corresponds not to Deut. but to P (comp. *e.g.* in Deut. xiv. the expressions פָּרִי ver. 19 and מִן ver. 14 and foll. with Gen. i.).

Deut. xxiv. 8, 9 expressly recalls the instructions which God gave to the priests: "Take heed in the plague of leprosy, that thou observe diligently, and do according to all that the priests the Levites shall teach you; as I commanded them, so ye shall observe to do." Enactments like those of Lev. xiii., xiv. are, therefore, quite clearly and definitely presupposed as well known. If we reflect that these are the only laws on leprosy which have come down to us; if, further, the expression הַצִּרְעָת נָגַע is often found in those very chapters (Lev. xiii. 2, 3, 20, 25, 27; xiv. 32, 34, 33); if, finally, at the end of the enactments of Lev. xiii., xiv. it is stated that the priests must give pronouncement according to these rules, I do not

know how the existence of this chapter in the time of Deut. could be better proved.

Moreover, laws of cleanliness such as we find in P must already have existed and been well known to the people ; for in Deut. xii. 15, 22, xv. 22, it is assumed that every one knows what is to be regarded as clean and unclean. In xxvi. 13 and foll. such commandments are expressly recalled, as they are given in Lev. xxi., xxii., and Num. xix. 14 and foll., about the defiling effect of dead bodies. Deut. xxvi. 13 and foll. runs thus : " I have put away the hallowed things out of mine house, and also given them unto the Levite, and unto the stranger, to the fatherless and to the widow, according to all thy commandment which thou hast commanded me : I have not transgressed any of thy commandments, neither have I forgotten them. I have not eaten thereof in my mourning, neither have I put away thereof, being unclean, nor given thereof for the dead. I have hearkened unto the voice of the Lord my God, I have done according to all that thou hast commanded me."

The instruction (Deut. xxii. 12) to wear fringes on the four borders of the garment is unintelligible without the statement of the purpose in Num. xv. 38-41.

The mention and distinction of the various kinds of sacrifice (burnt offering, meat offering, heave offering, peace offering) presuppose, quite clearly,

178 ARE THE CRITICS RIGHT ?

a corresponding ritual, which again we find only in P.

**The Laws
about the
Feasts.**

The *Laws about the Feasts*, which are brought forward as of first importance for the modern sequence, deserve a more detailed consideration. The three principal Israelitish Feasts (Passover, Feast of Weeks, Feast of Tabernacles) are alleged by criticism to have been originally pure harvest festivals and to have been adapted together from the Canaanites, whilst a historical reference was imported into them for the first time by Deut., and then completed in P. By the centralisation of worship at Jerusalem the Feasts were separated from life, and thus the historical element displaced the agricultural. With this separation the difference in dating is connected—the date of them is said to be almost entirely lacking in the Books of the Covenant, to be prepared for in Deut., and to attain to consistent completion in P. Similarly, a change took place in the character of the Feasts, which in the Books of the Covenant and in Deut. is joyous, but in P, on the other hand, receives a gloomy feature, inasmuch as here the general offerings [of the whole people] appear in place of the peace offerings [of the individual]. Finally, the number of Feasts in Deut., in comparison with the earlier laws, is considerably increased.

If we were to admit, in the first place, that all

the assumptions here made were true, even then the modern view would remain utterly improbable.

Are we really to assume that down to the time of Josiah there could be an absence of all historical reference to the Feasts observed in honour of God, and that even in Hosea's time [thanksgiving for] corn and must could be the sole motive of public worship (see Wellhausen, pp. 94-97)? And this, though at the time of the prophetic writings the mighty deeds of Jahwe to Israel were so popular among the people that these prophets, and Hosea in particular, often remind them of the deliverance from Egypt, and other acts of God's power through which the land with all its resources was first given to the people, in order thus to influence their hearers? It appears to me the height of improbability to assume that Israel only observed Feasts to God on account of the resources of the land, without any historical reference. Observe, we do not deny that the Israelites expressed their thanks by means of tribute from the harvest, and at the same time *for* it, and that, therefore, there was a close connexion of the Feasts with agriculture; only we protest against the idea that it can be in any way credible that Israel saw nothing in all those Feasts but harvest festivals, and that God felt himself pledged to nothing but the outward blessing, and that therefore the only difference

Critical
theory
that the
three
great
Feasts
were
merely
harvest
festivals.

180 ARE THE CRITICS RIGHT?

between the Canaanitish and Israelitish Feasts was the God in whose honour they were celebrated. The passage, Deut. xxvi. 1 and foll., to which Wellhausen (pp. 90, 91) appeals—it treats of the bringing of the first-fruits—shows as clearly and strikingly as possible that he is wrong; for it is clear from 5 and foll. that the first motive for that offering was not an agricultural but a historical one.

How then
did the
Feasts
suddenly
come to
have a
historical
reference?

There is the further argument that, on the acceptance of the modern view, it cannot be adequately and satisfactorily explained how it was suddenly decided to give the Feasts their historical connexion and to separate them from the agricultural. If we are told that by the concentration of worship in Deut. the connexion between worship and life was rent in pieces, and that in this way the transformation took place, we cannot at all see how far the centralisation was likely, or even fitted at all, to thrust the agricultural connexion to one side, and put the historical in its place. For the people still carried on their agriculture even after the concentration of worship, and if the whole population was and remained an agricultural people, it is not easy to see why they could not have celebrated great united harvest festivals at the central sanctuary in place of those which had previously been observed at different places.

But further, is it really credible that a people would have allowed a totally different meaning of their popular Feasts to be imposed on them from without? If we are referred for proof to the Feast of Weeks, which certainly received a historic meaning only through later Judaism, this reference is not adequate. For here they had in the Pass-over and in the Feast of Tabernacles examples for the historical meaning of these Feasts. It is quite different, however, with the introduction of such an innovation for the first time.

But quite apart from the fact that there was no necessity or even inducement for the transformation of the Feasts from agricultural harvest festivals to historical anniversaries, and that the carrying out of it must have met with great difficulties on the part of the people, it is very incredible that this historical connexion should have been introduced just at a time of political decay. Could there really have been any hope of thus preserving the popularity of these Feasts, if the great acts of God's grace had not been previously sufficient to move the people to thanksgiving for them in worship, at a time when those mighty deeds were still living fresh in the memory of every one? But if we were willing to lay aside all these considerations, we should at least expect that the historical transformation was proposed at the same time for all three Feasts, most naturally

182 ARE THE CRITICS RIGHT ?

therefore by Deut. Instead of this, only a very timid attempt is made in Deut. ; P goes farther, and it was reserved for later Judaism to give even to the Feast of Weeks a historical reference. This reminds one vividly of the dog whose master, out of compassion, did not cut his tail off all at once, but in pieces.

I think that this is a strong argument, if ever there was one, against a transformation imposed upon the people so mechanically and from outside as, according to the modern view, we must assume. Here also an organic development is not suggested.

So far we have vindicated more in a general way our opinion of the Wellhausen hypothesis on this one point. By an examination in detail its untenableness will be fully shown. It arbitrarily reads into the sources what it likes, and what fits into its once-constructed framework of ideas.

The names
of the
Feasts can
only be
explained
by the
historical
reference.

If we begin with Deut., there is no doubt that the Passover and the Feast of Unleavened Bread associated with it are intended to recall the fact of the deliverance from Egypt (see chap. xvi. 1, "Observe the month of Abib, and keep the passover unto the Lord thy God ; for in the month of Abib the Lord thy God brought thee forth out of Egypt by night" ; xvi. 3, "Thou shalt eat no leavened bread with it ; seven days thou shalt eat unleavened bread therewith, even the bread of affliction ; for thou camest forth out of the land of

Egypt in haste"). In the case of the Feast of Pentecost the historical note is not lacking any more than in P (comp. chap. xvi. 9 with Lev. xxiii. 15 and foll. ; Num. xxviii. 26 and foll.).

In the case of the third Feast (see xvi. 13 and foll.), the description of it as the Feast of Tabernacles (חג הסוכות) is simply unintelligible without the historical reference—nay, without an express law such as is contained in Lev. xxiii. 39 and foll. Wellhausen indeed maintains that the people originally betook themselves to the vineyards and encamped there at the time of the vintage under improvised tent-roofs, and that the name is thus explained. But apart from the fact that the latter is a purely imaginary idea, in support of which Is. i. 8 is appealed to without the slightest justification (contrary to Wellhausen, p. 84), that special name is not to be found in the older legislation of the Books of the Covenant, just the place where, according to criticism, it would be appropriate (see Ex. xxiii. 16, xxxiv. 22), and is, strangely, found in Deut., which would not be able any longer to use that name, because it requires the Feast of Tabernacles to be celebrated at the central sanctuary (Deut. xvi. 13 and foll.). On the other hand, the reference to the exodus and the dwelling in booths during the journeying in the wilderness remains as the only natural explanation of the name ; only then P must be

older than Deut., and the enactment of Lev. xxiii. must be assumed as known in Deut. xvi.; then, however, the historical reference appears in an equal degree in both legislations.

If we turn to the Books of the Covenant, it is clear, indeed, that the two last Feasts are put forward both in Ex. xxiii. and xxiv. in their character of harvest festivals; yet it is not to be overlooked that there is no further treatment of the subject, and that it is actually only an enumeration of the Feasts that is given. Why should they not be described there according to their distinguishing feature as harvest festivals, which indeed they certainly were at a later period, even in P? That the historical reference is not necessarily lacking, and that it was certainly not first imported by Deut., is proved not only by the expression "the sacrifice of the feast of the *passover*" in Ex. xxxiv. 25 (the description "passover" is therefore found before Deut.!), but especially by the way in which the Feast of Unleavened Bread is introduced; in Ex. xxiii. 15, namely, it is said: "The feast of unleavened bread shalt thou keep: seven days thou shalt eat unleavened bread, as I commanded thee, at the time appointed in the month Abib; *for in it thou camest out from Egypt.*" The other passage, Ex. xxxiv. 18, runs quite similarly. The hypothesis that the historical reference was

imported at all into the Feasts by Deut. in consequence of the concentration of worship, is, therefore, to be regarded as contrary to facts. It is not only artificial, but certainly false.

Similarly, it is arbitrary and inadmissible to adduce the more or less exact dating of the Feasts for determining the sequence of the particular collections of laws. In Deut., indeed, in the case of the first Feast it is only the month Abib that is mentioned without a more definite fixing of the date (see xvi. 1; comp. Ex. xxiii. 15, xxxiv. 18). But if the Feast of the Passover and Unleavened Bread was to be a united celebration (see the solemn assembly, Deut. xvi. 8), and if it was to be a historical commemoration of the day of departure from Egypt (xvi. 1, 3), it is quite clear that it must have been observed on fixed days. From this it necessarily follows that there must be, along with it, laws with such fuller details as we find in P. In particular, xvi. 9 is too indefinite and presupposes Lev. xxiii. 15 and foll., 10 and 11.

The dates prescribed for the Feasts presuppose the enactments of P.

Even in the Books of the Covenant a celebration at the central sanctuary is certainly thought of,¹ but not in such a way that every one might

¹ Comp. the charge "Three times a year shall all thy males appear before the Lord thy God" in Ex. xxiii. 17, xxxiv. 23; Deut. xvi. 16, 11, with Deut. xvi. 15, 11 (*δ*), 6, and, further, the expression בֵּית יְהוָה (in Ex. xxiii. 19), to which the people were to come (see also Jos. vi. 24; Judges xviii. 31; 1 Sam. i. 7, 24; iii. 15; 2 Sam. xii. 20).

come at whatever time he pleased. For that a definitely fixed time was actually thought of is indisputably clear from Ex. xxxiv. 24, where Israel is to be secure from the danger of war each time during the period of the Feast. Thus here also a more definite statement of time is requisite. How, further, can we explain, without an exact date for the Feasts, the name "Feast of Weeks" (Ex. xxxiv. 22). Finally, compare Ex. xxiii. 15 and xxxiv. 18.

So far, this result has come to us for Deut., that both the name "Feast of Tabernacles" as well as the method of dating the Feasts necessarily presuppose the enactments of P.

Nothing, however, can be argued from the greater number of Feasts to be found in P, because otherwise the Books of the Covenant and D would have to be placed after Ezekiel, inasmuch as Ezekiel mentions only two principal Feasts, the first and the third (Ezek. xlv. 18 and foll.). That there could be at any rate more Feasts than these three, although they are not mentioned in Deut., is clear from the fact that the Feast of the New Moon is attested in ancient times (see also Hosea ii. 11); if Deut., however, does not mention this, it may just as well have known the other Feasts of PC without mentioning them.

When, moreover, only P, but none of the other

laws, speaks of the official sacrifices of the congregation (see Num. xxviii.), this is by no means an argument for the later origin of P, but is simply inherent in the character of a ritual legislation. Conversely, P had no occasion to speak here further of the peace offerings, which had been already regulated by it in another passage (Lev. vii. 11 and foll.).

It is clear from tradition, besides, that it is utterly false to assume a gloomy character in the formerly joyous Feasts after the introduction of PC; according to it, they danced even on the Day of Atonement. The employment of music, too, will not harmonise with a gloomy character of the worship; comp. also Joel i. 16, if, with the critics, this prophet is put after the Exile.

With this we close this section. It has shown us how Deut. necessarily presupposes almost all the laws of PC, sacrificial laws, festival laws, enactments about purity, regulations about the staff for conducting worship and their obligations, the ark of the Covenant, and many individual details. On that point we can in the first instance leave out of sight the date of Deut. We now proceed to deal with the laws which are only possible if PC comes at the time of the wandering in the wilderness, and Deut. in the time shortly before the entrance into Palestine.

Laws which are only possible if PC comes at the time of the wandering in the wilderness, and Deut. shortly before the entrance into Palestine.

3. We begin here with an enactment from the Laws of the Feasts which so far we have left untouched. The paschal offering is, according to PC (Ex. xii. 3 and foll.¹), to be slain in the houses, and this too on the 14th day of Nisan in the evening (Ex. xii. 6; Lev. xxiii. 5; Num. xxviii. 16). At the same time P requires an assembly at the holy place (Lev. xxiii. 6 and foll.; Num. xxviii. 17 and foll.). This enactment was certainly possible and practicable at the time of the wandering in the wilderness; but only then. After the wandering it was impossible to be on the evening of the 14th in one's home, and on the 15th in Jerusalem. Therefore Deut. xvi. 5, shortly before the immigration, does away with this earlier regulation and transfers the Passover also to the sanctuary: "Thou mayest not sacrifice the passover within any of thy gates, which the Lord thy God giveth thee; but at the place which the Lord thy God shall choose to place his name in." It was natural that the Passover and the Feast of Unleavened Bread were now blended in one observance. How in all the world could PC, if it was only post-Deuteronomic, even entertain the idea of altering this Deuteronomic enactment, which must have been quite in the spirit of P, and of putting in its

¹ Similarly according to ver. 21 and foll., yet the critics do not know to which source these verses are to be ascribed.

THE CENTRAL SANCTUARY 189

place another, the impracticability of which was clear from the outset? As a matter of fact, the Feast of the Passover and Unleavened Bread was never celebrated after the Return in the form of P, but in that of Deut.

The state of matters is quite similar in the case of Lev. xvii. and Deut. xii. On this point we refer again to the Books of the Covenant. If we share the assumption of criticism, above disproved, that it is permitted by Ex. xx. 24 to offer sacrifice at any place they pleased, it is in the first place quite clear that there can be no suggestion of a development from this into Deuteronomy, which requires the service at a single place; this would be no development, but a jump, or, as Robertson quite correctly observes, a revolution, an overthrowing and displacing of the previous stability. But we have seen above (pp. 46, 47) how little modern criticism was able to render probable the sudden change through the historical conditions about 623. At the very time when the temple at Jerusalem was filled with the emblems of the most abominable idolatry, the idea of a concentration of worship at this particular sanctuary must have been utterly remote.

To come back to Ex. xx. 24, it is now, however, neither necessary nor advisable to understand the passage as criticism does. If we saw in our preceding section that the Book of the Covenant

The
central
sanctuary.

190 ARE THE CRITICS RIGHT ?

itself (xxiii. 15 and foll.) has in view a central sanctuary, we would otherwise imply a contradiction in this very collection of laws. Attention has therefore been rightly called to the additional clause, "in all places where I record my name,"¹ and also to the singular in ver. 26, "my altar," so that that passage does not at all confirm the idea of a worship to be observed simultaneously at different places. But that the idea of worshipping God at one place had anything improbable in it at the time of Moses we have disproved above (see pp. 46, 47).

Well-
hausen's
theory
that down
to the
seventh
century
every
killing
was a
sacrifice.

After this preface let us pass on to the relation between Deut. and P, which especially interests us. A warning is given in Deut. xii. 13 and foll. against offering sacrifice in any place they like ; this must only be done at the central sanctuary. On the other hand, it is allowed to kill and eat flesh everywhere, on condition that the blood is allowed to flow away. Wellhausen and his school explain the passage thus :—Hitherto, *i.e.* down to the seventh century, every killing was a sacrifice. But from henceforth, when the worship is to be concentrated at one place and the nature of the case forbids the bringing, killing, and offering simultaneously all the cattle from the whole land, a distinction is made between sacrificing and slaying. Every killing is not, as hitherto, a

¹ See the note on p. 101.

sacrifice, and may therefore occur at any place they like; the real sacrifices, however, must no longer be offered at any place they choose, but only at the central sanctuary.

But the assumption here made that before 623 every killing was looked upon as a sacrifice is not only 'quite incapable of proof, but exceedingly improbable. The existence of the high places proves decisively, as far as I can see, that an ordinary killing was not in itself a sacrifice, but only became such when it was performed there. Or does 1 Sam. xxviii. 24 produce the impression that the witch of Endor offered a sacrifice when she slew the fat calf in her house, took flour and kneaded it, and baked unleavened bread, in order to set all before Saul and his companions? The same may be said of similar passages in the patriarchal history, in which the conditions of the time before the prophetic writings are surely supposed to be reflected. Why, then, when real sacrifices are in question, do they first solemnly build an altar (see Gen. xxii. 9)?

But if a distinction was made before 623 between sacrificing and slaying, then the passage Deut. xii. 15 remains a puzzle. What is the meaning of a law which expressly permits what was self-evident for every one? It will be seen how very simply and naturally it is explained on the assumption of the genuineness of Deut. and

192 ARE THE CRITICS RIGHT?

the priority of PC, as soon as we have discussed the modern view of Lev. xvii. and also rejected it as inherently impossible.

That is to say, admitting that the Wellhausen school was right in its certainly false exegesis of Deut. xii. 15, yet its view of the sequence of the laws Deut. and P would break down at Lev. xvii. 1 and foll.

For here it would be once again laid down that every killing must be an offering, and must therefore take place at the central sanctuary. Such an enactment could not possibly be given at the time of the Exile, if they had any idea of introducing PC; but that was done, as we saw, and therefore such an "unpractical" regulation, as Wellhausen (p. 52) calls it, is the best proof that the whole hypothesis is false. Even after the return from the Exile most of the Israelites were much too far removed from Jerusalem to be able to obey this enactment and actually to kill all sacrificial animals at the central sanctuary. Besides, they had still a quite definite hope of occupying the whole land. All Israel must, according to this enactment, have been continually on the road; yet PC attached to its transgression the punishment of death (Lev. xvii. 4) and appointed this law as a statute for ever (ver. 7, *b*). It is only intelligible during the wandering in the wilderness, when every animal killed in the camp

could actually be brought to the tabernacle of the congregation.¹

Now, however, that passage in Deut. xii. 15 and foll. is for the first time intelligible; here, shortly before the immigration, that regulation of Lev. xvii. is expressly abrogated, because it proved impracticable for the future to kill everything at the central sanctuary, and thus Deut. permits the killing at any place they liked, and only requires that the sacrifices are still to be performed at the central sanctuary. We see how simply and naturally both passages are explained, both in themselves and in their relation to one another, if we leave the laws in the place where they profess to have originated. If we compare with this the constantly artificial and impossible explanation of both passages on the part of criticism—and this again, too, both in themselves and in their relation to one another—it cannot be difficult to decide in favour of the Biblical view.

That Deut. xii. is to be referred to Lev. xvii., and that the converse relationship does not exist, is abundantly confirmed by the fact that Deut.

The permission in Deut. xii. to sacrifice anywhere proves that Deut. was later than PC.

¹ Besides, if Lev. xvii. is from the time of Moses, it is self-evident that the command for erection of the tabernacle of the congregation, the erection itself, regulations about its care and the sacrifices to be offered in it, about the staff for the services, etc., were not only possible, but probable and necessary for that time; for all this is presupposed in the passage before us, so that once more there follow from this the most far-reaching conclusions for the genuineness of PC.

xii. 15 contains a regulation at the end of it which is unintelligible without Lev. xvii. 13. For here, as well as in xii. 22, xv. 22, the method of dealing with the non-sacrificial animals¹ is presupposed as well known, and this we find stated only in Lev. xvii. 13. According to P also, wild beasts, in contrast to the sacrificial animals which were to be brought to the central sanctuary and must be offered there, were to be everywhere hunted and eaten; now Deut. puts the sacrificial animals on a level with the wild beasts and lays it down that they may be eaten, even as the roebuck and the hart. The further instruction that the blood must in this case be poured out upon the earth is found in Deut. xii. as in Lev. xvii., but without involving any further inference from it than that Deut. xii. and Lev. xvii. must have some connexion with one another.

The redemption of the first-born in Deut. xiv. shows Deut. to be later than PC.

Further, a third law is only intelligible if PC actually originated at the time of the wandering in the wilderness, and Deut., on the other hand, shortly before the immigration; we allude to the differing enactments about the first-born. PC requires that the first-born themselves be given to Jahwe (Lev. xxvii. 26, 27; Num. xviii. 15-18) and expressly forbids their redemption (Num. xviii. 17), unless in the case of unclean beasts or the first-born of men. Deut. xiv. 23 and foll., on

¹ Sacrificial animals are cattle, sheep, goats.

LAWS ABOUT THE FIRST-BORN 195

the other hand, expressly permits this redemption: "*If the way be too long for thee*, so that thou art not able to carry it, or if the place be too far from thee which the Lord thy God shall choose to set his name there, when the Lord thy God hath blessed thee, then thou shalt turn it into money . . . and thou shalt bestow that money for whatsoever thy soul lusteth after, for oxen or for sheep, . . . and thou shalt eat there before the Lord thy God." Here also it is true that the enactments of P could only be obeyed in the time of the wandering in the wilderness; for only then was it possible to give up to Jahwe all first-born creatures themselves. Deut., on the other hand, has regard to the circumstances after the immigration.¹

The other important difference, that according to P the first-born of animals is to be eaten by the priest, but according to Deut. by the owner, his family and his guests, leads us to the next section. Deut. could alter P on this point, in order to make appearing at the sanctuary more agreeable to the Israelites, and also because after the immigration the priests received important revenues from agriculture (see Num. xviii.). This is certainly a better explanation than that the

¹ Besides, P exactly corresponds with the enactment of the Book of the Covenant (Ex. xxii. 29) which commanded the first-born to be given to Jahwe on the eighth day; Deut. xv. 19 and foll., on the other hand, implies that the dedication did not need to take place until a bullock might be put to work and a sheep shorn.

priests should have simply annexed the first-born during the Exile; against that the Israelites, making appeal to Deut., would have energetically protested. The remaining small differences are too unimportant for us to linger over them, and do not in any case afford any argument in favour of the later date of PC.

Difficulties which are inexplicable except on the assumption of the priority of PC.

4. In this section, finally, the differences are to be elucidated, which may be well explained on the assumption of the priority of PC and the genuineness of PC and Deut.—both of these things being rendered probable by our former inquiries and suggested by the Biblical representation; otherwise these difficulties remain absolutely inexplicable.

Distinction between priests and Levites.

In proof of the priority of Deut. we are, it is true, referred with great assurance to the fact that it knows nothing of the distinction between priests and Levites, whereas Ezekiel introduces it (chap. xliv.) and P assumes it as self-evident. Now we have seen in our discussion of the connexion of Ezekiel with the Priestly Code (see § 2) that Ezekiel cannot possibly have first introduced it, but presupposes it; but then the relation of Deut. to P on this point must remain utterly obscure, unless we keep to the Biblical view.

As a matter of fact the circumstances are so put in Deut. that it would be difficult to infer from

it the distinction, if we had only Deut.¹ Thus, *e.g.*, in Deut. x. 8, xxxiii. 8 and foll., the various duties which according to P also belong indeed to the tribe of Levi, but appear distributed among high-priests, priests, and ordinary Levites, are assigned without any subdivision to the whole tribe of Levi. The question here, however, is not in the first instance whether the distinctions within the priestly office appear in Deut., but rather whether they are excluded by Deut. whilst they profess to be previously introduced by P ; and this is not the case. Or do we exclude military distinctions when we speak of "soldiers"? Just as little should we ascribe to the Israelites such a deduction from the passages in question about the tribe of Levi, when the distinction between high-priests, priests, and Levites was current among them through PC. In Deut., where the subject was not an address to the tribe of Levi in particular, but a parting word to the whole people, for whom the contrast of the tribe of Levi with the other tribes was incomparably more important than the distinction within this tribe, Moses could speak more generally and comprehensively. If, notwithstanding this, we conclude from the state of affairs in Deut. that the distinction could not yet have been in existence at that time, let us be consistent

¹ At most, chap. xxvii. 9, 14, compared with ver. 12, can be adduced.

and draw a similar conclusion for the time of Malachi, in whose case the circumstances were quite analogous; for according to Mal. ii. 1 and foll. (see especially vers. 4 and 8) and iii. 3, these distinctions could not yet have existed then either within the tribe of Levi, and all Levites must still have been priests; but criticism quite calmly allows the distinction to have existed since the year 573 (Ez. xlv. 4 and foll.), and at least since the first return from the Exile in 538 (see Ezra ii. 36, 40; Neh. vii. 39, 43), whereas Malachi can, at the earliest, be placed about 500. What is right for Malachi is permissible in Deut.

The passages in Malachi also prove most decidedly that a distinction between priests and Levites is not excluded even by the Deuteronomic expression: *הַכֹּהֲנִים הַלְוִיִּם* (e.g. Deut. xviii. 1).¹ For this emphasising of the descent of the priests from the tribe of Levi is also found in Malachi, without being regarded by criticism as rendering the distinction impossible there. But even without this most striking refutation, we cannot see how this emphasising of the Levitical descent of the priests can be adduced at all against a division within the tribe of Levi. Ezekiel, after he has just mentioned the distinction in xlv. 4 and foll., retains the description "the priests the Levites" for the sons of Zadok (ver. 15); similarly

¹ i.e. "the Levitical Priesthood"; comp. Heb. vii. 11.

the expression is found even in Jer. xxxiii. 18, a passage which is inconsistently placed much later by the moderns—nay, even in Chronicles, *e.g.* 2 Chron. xxx. 27, where it could certainly not be found if the assumptions of criticism were correct. The arbitrariness and inconsistency of the Wellhausen school are most clearly shown on this point.

If, moreover, Deut. originated in the seventh century and is to be regarded as referring to existing conditions, the untenableness of the view according to which there were as yet no distinctions in the spiritual office would follow even from this. We have already called attention above to the fact that in 2 Kings xxii. 4 and 8 Hilkiah is called "high-priest" (see also xxiii. 4), and that this can only be set aside by a stroke of violence on the part of criticism (see p. 147). Further, the position of an Eli (1 Sam. 1 and foll.), of an Ahimelech (1 Sam. xxi., xxii.), of a Zadok and an Abiathar, proves indisputably that there was a distinction within the priestly office even before the seventh century. The same follows from Jer. xx. 1; xxix. 25, 26, 29; lii. 24. And even if Deut. had connected itself with the existing circumstances, it could not possibly act as if there were no distinction within the priestly office. Let us also recall the fact that in Ez. xliv. 4 and foll. regulations about the inferior staff for service

200 ARE THE CRITICS RIGHT ?

must have been assumed as well known. Similarly Deut. x. 8, xviii. 2, xxxiii. 8, made it absolutely necessary that minute regulations about the tribe of Levi had already been found. In xviii. 2 there was surely a direct reference to Num. xviii. 20, 24, and therefore to P. But then Deut. must necessarily have been acquainted with the distinction between high-priests, priests, and Levites. But if, in reply, we are pointed to the fact that the inferior Levites are nowhere mentioned in the history, the question at once suggests itself whether it was necessary that they should be mentioned, *i.e.* whether their not being mentioned is enough to prove their non-existence. But then there are actually passages in which the Levites are mentioned (see Judges xvii., xviii. ; xix.-xxi. ; 1 Sam. vi. 15 ; 2 Sam. xv. 24 ; 1 Kings viii. 4) ; only they have been treated after the approved pattern.

We remain therefore of the opinion that even this point does not exclude the priority of PC, and the genuineness of PC and Deut. ; nay, that it is only in this way that we can explain at all the apparent difference between the two legislations. According to modern criticism a real difference exists, which it is not able to solve, since it has demonstrated the connecting link in Ez. xliv. to be unsuitable and useless.

The case is quite similar also with the difference

in regard to the tithe. P requires a tithe, which was to be paid yearly to the Levites, who in turn had to give up a tenth to the priests (Lev. xxvii. 30-33; Num. xviii. 20-22). Deut., on the other hand, mentions another tithe (Deut. xiv. 22-29; xxvi. 12-15); according to these passages the tithe is to be consumed at the sanctuary two years in succession, but in every third year is to be given to the Levites. If we depart from the Biblical date of the sources, we lose once more all possibility of explaining how the one legislation could completely ignore the other and deviate from it without explanation—whether we regard Deut. or P as the earlier.

The difference between PC and Deut. in regard to the tithe.

If we abide by the Biblical date, Deut. would add a second tithe. In support of the correctness of our view we may adduce the text of the Septuagint, which in Deut. xxvi. 12 reads τὸ δεύτερον ἐπιδέκατον; and similarly the history, for in the Greek text of the Book of Tobit we read (chap. i. 7): τὴν δεκάτην ἐδίδουν τοῖς υἱοῖς Λευὶ τοῖς θεραπεύουσιν εἰς Ἱερουσαλήμ, καὶ τὴν δευτέραν δεκάτην ἀπεπρατιζόμεν, καὶ ἐπορευόμεν καὶ ἐδαπάνων αὐτὰ ἐν Ἱερουσαλύμοις καθ' ἕκαστον ἐνιαυτόν.

Even the difference between Lev. vii. 29-34 and Deut. xviii. 3 is, if these enactments refer at all to the same subject, quite inadequate to warrant any conclusions in favour of the later

202 ARE THE CRITICS RIGHT?

date of PC. According to the former passage the priests receive from the peace offerings the breast and the right thigh (see R.V.); according to Deut., on the other hand, only a fore-shoulder, the two cheeks and the maw. Now if Deut. is late, and PC also, it is unintelligible how the enactment could have been simply altered, for the injured Israelites, *i.e.* priests, would in any case have entered their protest, appealing to the other legislation. The difference is best explained if Moses himself undertook the alteration, having observed that the priests were henceforth richly enough provided for by the revenue from agriculture. If, on the other hand, the וְכֵרֶשֶׁת in Deut. xviii. 3 refers to the killing, as in xii. 15, for example, the difference from P disappears altogether.

We have thus discussed the most important deviations between P and Deut. and have seen how they either prove nothing in favour of the sequence in time of Deut.—P (see §§ 1 and 4) or even require the converse relationship (§ 2), but in many respects only become possible and intelligible at all if both legislations are ascribed to the Mosaic period, in which they profess to have originated, in the Biblical sequence P—Deut. (§ 3 and part of 4). If we add the passages dealt with under § 2, which require the priority of PC,

there can no longer be any doubt that the modern sequence D—PC is untenable.

In order to avoid misunderstandings, let us here once more expressly state that we only have in view the two collections of laws as a whole, and in each case only consider the kernel and essential structure, without therefore wishing to dispute from the outset that individual laws may have been possibly incorporated later.

CONCLUSION

Let us sum up what has been arrived at as a result. Sum-
mary of
previous
argument.

1. Ezekiel xl.-xlviii., in itself unsuited to be included in a development of collections of laws, requires nevertheless the priority of PC (see "The relation of Ezekiel to the Priestly Code").

2. If we compare Deut. with PC, it is clear, on the one hand, that no argument can be deduced from the more minute enactments of PC in favour of its posteriority, because it professes to be a ritual legislation, which Deut. does not. On the other hand, the priority of PC is expressly demanded by many passages of Deut. as well as by a comparison with the latter (see "Comparison of the Laws with one another"). From this it would equally follow that even with the modern

204 ARE THE CRITICS RIGHT ?

date of Deut. the Priestly Code is at least not post-exilic.

3. The same result was arrived at when we compared PC with the time at which it is supposed to have originated (see "Criticism of the modern date of PC").

4. The result of our first inquiry carried us still farther, inasmuch as it showed that it is quite impossible for Deut. to have arisen in the seventh century (see "Criticism of the modern date of Deut."). Now the farther back Deut. must be placed, the farther back the Priestly Code must go with it, since according to § 2 the latter is older than Deut.

This is the result of our inquiry, so far as it related to the consequences of the Graf-Wellhausen hypothesis.

At the same time, however, it has disclosed the weaknesses of modern critical methods and auxiliary hypotheses. They are useless, because, if consistently carried out, they prove not only that the Biblical representation of Israelitish history is untenable, but that the modern construction of history is quite as much so ; in fact they make all positive science of history *a priori* impossible.

Let us once more go through these principles and supplementary hypotheses in order.

1. Criticism sees in the non-mention of a law

a proof of its non-existence ; but then also the Books of the Covenant are impossible before the Exile (see "Criticism of the modern date of the Books of the Covenant").

2. Criticism sees in the general violation of a law a proof of its non-existence ; but then, again, the Books of the Covenant, and also Deut., are impossible before the Exile.

3. Criticism does violence to the text and treats all traces of Deut. before 623 and of P before 444 as impossible. Here there is a *circulus vitiosus*. In this fashion we might bring PC down to a later date than 444 and Deut. later than 623.

4. Criticism assumes that the editing of the history of the Israelites not merely regards it from particular standpoints, but invents it ; in that case 2 Kings xxii., xxiii. and Neh. viii.-x. belong also to these inventions.

5. The polemic of the prophets against sacrifices makes the existence of PC at that time impossible ; but then the same would be true of the existence of the Books of the Covenant and Deuteronomy.

6. Ezekiel xl.-xlviii. demands, on account of its deviations from PC, the later date of the latter ; but then the same would hold good of the Books of the Covenant and Deuteronomy.

7. The impression of the novelty of Deut. in

2 Kings xxii., xxiii. obliges us to conclude that it was only written shortly before 623; but then also the Books of the Covenant could not have existed before that time. The impression of the novelty of PC in Neh. viii.-x. necessitates the conclusion that it was only produced shortly before 444; but since, according to Wellhausen, the Books of the Covenant and Deut. were promulgated at the same time with it, the same conclusion must be applicable to them.

With §§ 2-7 compare "Criticism of the modern date of Deuteronomy," § 1; the whole of the second section of "Criticism of the modern date of PC," "Criticism of the modern auxiliary hypotheses," and the first section of "Criticism of the modern result," § 1.

The conclusions of criticism make the idea of a revelation untenable.

By way of appendix, further, we variously pointed out that many of the modern critics do not wish to deny the revelation, but admit it.¹ If by this we are to understand revelation in its special sense of the history of redemption, it was difficult for us to conceive how it could be seriously held, if we cannot get beyond a conscious refined falsification in connexion with the origin of Deut. and P (see "Criticism of the

¹ It is indeed often questionable whether they go beyond a guidance of God such as takes place even in profane history. If we could not under any circumstances be content with this for the New Testament revelation, then we can scarcely accept it for its preliminary stages.

modern date of Deut.," p. 50, and "Criticism of the modern result" in the discussion about P, p. 94); if in particular Ezekiel and the authors of P play such a doubtful part on the subject of the Levites (see "The relation of Ezekiel to P," § 2); if the authors of P give such scope to egoistical motives in their writing, inasmuch as they increase their revenues immeasurably; if, finally, the prophets come before us in a peculiar light, inasmuch as, notwithstanding appearances to the contrary, they do not come forward in the attitude of reformers, but bring *new* ideas and at the same time make moral and religious reproaches against the people, which, considering the lower platform on which the latter still stood, were not deserved.¹ In short, if lying and deception have a share every time that new forces arise in the development, it is only a well-meant self-deception to believe that we can hold to a revelation along with this; this self-deception must, however, be the more unhesitatingly exposed the more dangerous it is, and the more, under its protection, the foundation on which we stand is undermined.

When, finally, modern criticism boasted that it had proved a development in the history of Israel,

¹ The last point is only mentioned in one passage in our discussion (see "Relation of Ezekiel xl.-xlviii. to the Priestly Code," § 2, a), but it plays an important part in modern Old Testament theology.

so that the different laws had always corresponded to the maturity of the people, on this point also we had to maintain an attitude of denial. Even if we accept the Graf-Wellhausen hypothesis, the people would never have been able to grasp, in their necessity and wholesomeness, the new legal enactments which were introduced, or to produce them entirely of their own accord. Deut. as well as P would have always reflected only the ideal of some few, and therefore would at first, at least, have met with no sympathy; after the flaring up of a fire of straw the people would have not only sunk into indifference again, but would have violated the new laws as if they were not in existence; the Books of the Covenant had previously met with precisely the same fate.

Moreover, it is not the case that according to criticism the result of the development had already existed *in nuce* at the beginning of the Israelitish history, so that all that followed was only a necessary growth from the slumbering germ—it is only then that we can speak of a development—rather, it is external circumstances by which the progress is determined from step to step. Nay, the new elements would have emerged at times when they could not be understood at all; thus the idea of concentration of worship at the very time when the most abominable idolatry was practised at the central sanctuary, the thought of

Levitism at a time when it had been shown that the outward observance of rules of worship was not the slightest help, and in which there was no inclination whatever to Levitism (see "Criticism of the modern result" on Deut., § 1, and on PC, §§ 2 and 4). Just as little is a really organic development of the laws from one another to be established; here also nothing but contradictions and jumps!

Thus far our negative result, on which the whole emphasis of the work rests.

We have arrived at it throughout from the ground of the critics; for we have in every case shared their assumptions at first. We have taken the modern "sources" as the basis, and assumed that they can really be so cleanly divided and dated, which has become the more improbable to me the longer I study it. We have admitted the editings of the history, *e.g.* the Deuteronomist editing of the Books of Kings, although we are firmly convinced that here at least there is very often a *circulus vitiosus*; for Deut. is first of all placed so late because no traces exist, and then the traces are ascribed to a later time because Deut. only originated shortly before 623. We have, finally, disregarded entirely the dogmatic standpoint, and have proceeded on purely historical lines.

If on all sides we find ourselves thus in

Well-
hausen's
conclu-
sions
serve to
destroy
his whole
theory.

antagonism to the modern hypothesis, we will not, however, deny to Wellhausen all merit, even though it is essentially of a negative character ; it consists, in my opinion, in this chiefly, that he has drawn the last conclusions from the assumptions about which, before him, there was agreement. He has crowned the whole ; but the crown is too heavy and must crush the whole. It will be necessary, therefore, to proceed to a new building, and many stones from the previous building may be employed in it. And if our work has been in its whole tendency essentially destructive, yet it has aimed at preparing a place for the new building, and has already given at least some hints for it. Thus, in the inquiry about Deut. (§ 5), and on P (" Criticism of the modern result," §§ 3 and 6), and similarly in that on the relation of both laws to one another (see the last inquiry, § 3), we came across quite a number of important laws which defy all attempts at explanation, if we do not admit that they really originated in the time of Moses.

Above all, it has also been shown how utterly impossible it is, in view of the very deviations and contradictions of the individual collections of laws, to comprehend the Mosaic dress and the success in the introduction of Deut. and P, so long as we do not assume at least a genuine basis for all three legal sections. And these original stems must certainly have included all

essential parts, so that they could form centres of crystallisation for laws which might be added later (see the inquiry about Deut., §§ 2, 3, and 4 ; inquiry about PC, " Criticism of the modern result," §§ 2, 3, 4, and 5 ; inquiry about the Books of the Covenant, § 2 ; and, finally, the inquiry on the relation of the laws to one another, § 3).

Granting, then, that there are laws and enactments which necessarily point to a later time and appear as further improvements of the original, and were therefore incorporated according to practical needs, we have at any rate a rational explanation, which criticism does not give us, how these laws also came to be ascribed to Moses. In the same way we may institute inquiries whether the codification of the laws may not have been, in part at least, carried out in later times.¹ It is clear, at any rate, that even then the picture of the history of Israel would be a totally different one from that which is drawn by Wellhausen. Above all, the inquiries about a possible later codification, postscripts, etc., would only touch subordinate points, whereas these literary-critical, more or less subjective discussions unfortunately touch at once the centre, and must continue to do so, so long as the Wellhausen hypothesis is not refuted ; all individual Old Testament teaching

¹ The Priestly Code, *e.g.*, nowhere claims to have been written by Moses.

212 ARE THE CRITICS RIGHT?

depends upon them and is influenced by them. Similarly we might be able calmly to admit that the historical narratives in the Pentateuch were wrought together from original sources, so long as their essential contents are not shown to be unhistorical, and criticism has not yet succeeded in doing this. Here, too, it is true that these inquiries must occupy a subordinate place, because it will never be possible to attain sure results. In the first place, it is very unlikely that we should ever be able definitely to separate the original sources; just consider that we have at once to do with not only J, E, D, P, but with J_1 and J_2 , E_1 and E_2 , $P_1 \dots P_2 \dots P_3 \dots$; and in the same way with different sources in Deut.;¹ to these would be added the various editors. Consider, further, the close relationship of J and E, of J and Deut., also of Deut. and P in some purely legal parts of Deut., *e.g.* chaps. xiv. and xix. and foll., where an exact distinction of sources appears from the first extremely improbable; even an approximately accurate date is absolutely impossible, as the history of Pentateuchal criticism has abundantly proved.

If Old Testament science only assumes again a more healthy character, it is also to be hoped

¹ The inquiries on this subject have certainly yielded results differing totally from one another!

that love for the Old Testament will awake again : at present it is well-nigh extinguished ; for the early enthusiasm of the young student does not last long, as I know from many of my acquaintances. If a more general proof is wanted, consider how seldom the Old Testament is preached on to-day. It will not be very different in the instruction of youth. But if our people are not constantly referred to the Old Testament as the basis of the New, the New Testament must become unintelligible to them, and the person of Christ a puzzle. The Old Testament is made disagreeable to students of theology, and the congregation suffers.

One point more in conclusion. Modern criticism often claims not only that it is able to retain revelation in its entirety, which we had to describe as unlikely ; it claims also that it reaches its result by purely scientific investigation ; we have shown this in our discussion to be untenable. We would like only to suggest here that perhaps on this point also there is self-deception on the part of the critics. Wellhausen, whom others have followed, professes (*Prolegomena*, p. 14) to have learned from Vatke "the most and the best" ; but the latter arrived at his construction of history not by unprejudiced historical investigation, but from his purely dogmatic preconceptions on the philosophy of religion.

Natural
develop-
ment of
religion v.
Divine
revelation.

Of course, if all revelation is *a priori* denied and the history of Israel explained only by natural development ; if, in other words, it is settled from the first that the history cannot have happened as it is described to us ; if it is asserted that the highest point of the history of a people can never be at the beginning, then all discussion is hopeless, and the maxim holds good : *De principiis non est disputandum*. We must then content ourselves with having demonstrated the historical appearance of the modern construction of history to be unwarranted. It only remains to us to make good the following assertions against this mode of treating the philosophy of religion :—

1. It is in opposition to the Old Testament, which everywhere proclaims a Divine revelation. It is thoroughly unhistorical, in so far as it uses the sources otherwise than they admit of, and yet turns them to advantage so far as they agree with it.

2. It is at present carried out quite inconsistently in the Old Testament ; for the different religious conceptions of the particular laws, even according to criticism, correspond in their origin not to the spirit of the people, but always to the ideal of individuals only. The people as a whole are still almost as immature as before.

3. It must, to be consistent, seek to understand the revelation in Christ as a natural development also.

4. It must regard a perfecting of religious ideas beyond Christ as not only possible, but necessary.

Moreover, it is not the case, even according to the Biblical view, that the complete revelation was made at the beginning. It is, rather, prepared for by the early revelation and by the leading of the patriarchs. Notwithstanding the revelation in Moses, a progress in revelation takes place within the Old Testament (see especially the ethical deepening through the prophets and their Messianic prophecies). Finally, the New Testament is self-evidently a vast advance upon the Old.

But if we believe that the essential elements of the Old Testament revelation were actually in existence at the time of Moses, we see above all in the further course of Israelitish history a development in understanding of the revelation and in agreement with it.

The author would be delighted if his "considerations" should prove even to a few people to be an inducement to reflection. If his protest should die away unheard, like that of so many others, he has at any rate the consciousness of having done that which he could not leave undone.



INDEX

- Agrarian laws in PC inexplicable on critical theory, 89
- Amalekites, reference to ; a proof of earlier date of Deut., 36
- Amos, 45, 105, and *passim*
- Ark, laws relating to the, 92, 174
- Auxiliary hypotheses of modern criticism, 99-150
- Baudissin, *History of O. T. Priesthood*, xxi
- Bredenkamp, *The Law and the Prophets*, xxii, 23 n., 50, 64, 100, 120
- Canaanites, order to exterminate ; a proof of earlier date of Deut., 33
- Central sanctuary, 46, 189
- 1 Chronicles, 36
- 2 Chronicles, 84 and *passim*
- Clean and unclean, laws of, 176
- Cornill, 8, 17, 24, 64, 101 n.
- Covenant, Books of the, xix, 10, and *passim*
- Delitzsch, *Critical Studies in the Pentateuch*, xxii, 26, 32, 172
- Deuteronomy, xix, 1-55, and *passim*
- Development, theory of, 152, 207, 214

218 ARE THE CRITICS RIGHT?

Dillmann, *The Books of Numbers, Deuteronomy, and Joshua*, xxii, 60, 68, 172

Driver, *Deuteronomy*, 51 n.

Eichthal, *Mélanges de critique biblique*, 41

Exile, threats of, in Deut. inconsistent with later date, 38

Exodus, xix, 8, and *passim*

Ezekiel, 38, 114

—— xl.-xlviii., 70, 114-141, 164

Ezra (Book of), 149

Ezra, the Law as read by, 56

Feasts, the three great, 163, 178-187

First-born, law of the redemption of the, 194-196

Genesis, 112, 167, 191

Haggai, 73, 78, 148, 149

Halle, Tholuck Institute, xvi

Hävernicks, *Introduction to the Pentateuch*, xxii, 32, 155

Hengstenberg, xxii, 39, 155, 169

Hosea, 16 and *passim*

Isaiah, 16 and *passim*

Jeremiah, 16, 21, 104, and *passim*

Josiah's reformation and the law, 3-23

Judges, Book of, 47, 49, 157

Kautzsch, *History of O. T. Scriptures*, 4, 10, 23, 50, 57, 64, 68, 80, 101 n., 113, 135

—— *Translation of the Bible*, xviii

Kayser, 62

- 1 Kings, 88 and *passim*
 2 Kings, 3 and *passim*
 Kleinert, *Deuteronomy*, xxii, 2, 32
 Klostermann, *Origin of the Pentateuch*, xxii, 73, 75
 Köhler, Professor (Erlangen), xvi, xxii, 70
 Kuenen, 14, 42
 Levites, 30, 63, 124-141
 Leviticus, xix, 79, and *passim*
 Malachi, 77, 78, 85, 86
 Micah, 73 and *passim*
 "Mosaic disguise" alleged by critics as given to
 books later than time of Moses, 2-17, 51, 86,
 97, 166
 Nehemiah, 56 and *passim*
 Non-existence of a law not proved by its violation,
 7-10, 150
 Nowack, *Kleine Propheten*, 149
 Numbers, xix, 60, 82, 89, and *passim*
 Orelli, Professor von, viii
 Passover, historical basis of, 182-186
 Pentecost, Feast of, 181-186
 Pious fraud, implied by the critical theory, 50, 94
 Preaching, effect of O. T. criticism on, 213
 Priestly Code in the Pentateuch, xix, 55-160
 Priests and Levites, distinction between, 124-141, 198
 Prophets on sacrifice, the, 106, 164
 Prophets, relation of the, to the Priestly Code,
 99-114
 Proverbs, 114
 Psalms, 99, 142, 157

220 ARE THE CRITICS RIGHT ?

Reuss-Kayser standpoint, the, 64

Robertson, *Early Religion of Israel*, xxii, 49

Sacrifices, differences between PC and Deut. on,
190-194

1 Samuel, 37, 47, 158, 191

2 Samuel, 113

Sanctuary, the central, 46, 189

Schulz, *Deuteronomy*, xxii, 32

Schumann, *Wellhausen's Theory of the Pentateuch*,
xxii

Smend, 42, 119

Stade, 42

Steuernagel, *Origin of the Deuteronomic Law*, 42

Strack-Zöckler *Commentaries*, xxii, 148

Tabernacle, why mentioned in PC if the critics
are right? 72, 87-89

Tabernacles, Feast of, and its historical basis, 183

Tithe, differences between PC and Deut. on the
law of, 201

Tobit i. 7 (the second tithe), 201

Unscientific character of modern criticism, 147

Urim and Thummim inexplicable on critical
theory of date of PC, 90

Vatke, dogmatic preconceptions of, 213

Vernes, *Une nouvelle hypothèse*, etc., 41

Wellhausen, xv, 1, and *passim*

Wittenberg, Theological Seminary, xvi

Zadok the priest, 126-139, 139 *n.*

Zechariah, 73, 78, 148

YB 21629
100

M124268

BS1225

1M57

THE UNIVERSITY OF CALIFORNIA LIBRARY

WITHDRAWN FROM
UNIVERSITY OF REDLANDS LIBRARY

